

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

House Committee on Judiciary & Hawaiian Affairs
Wednesday, February 21, 2024
2:00 p.m.
State Capitol, Conference Room 325 and Videoconference

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

Chair Tarnas, Vice Chair Takayama, and members of the House Committee on Judiciary & Hawaiian Affairs:

Thank you for the opportunity to testify in support of H.B. No. 2802, Proposing an Amendment to Article I, Section 23, of the Hawaii Constitution Relating to Marriage. 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 remove 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 remove the legislature's authority to reserve marriage to opposite-sex couples?

H.B. No. 2802 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 as provided in this measure.

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

Congress of the United States

Washington, DC 20515

February 20, 2024

To: The Honorable David Tarnas, Chair
House Committee on Judiciary and Hawaiian Affairs

From: Jill N. Tokuda
U.S. House of Representatives, Hawaii Congressional District 2

Hearing: Wednesday, February 21, 2024
2:00 p.m.
Conference Room 325/Videoconference

Subject: House Bill No. 2802, Proposing an Amendment to Article 1, Section 23, of
the Hawaii Constitution Relating to Marriage

Chair Tarnas, Vice Chair Takayama, and Members of the Committee:

Mahalo for the opportunity to provide written testimony in **STRONG SUPPORT** of House Bill No. 2802, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples.

I was on the steps of the U.S. Supreme Court when news broke that the Court intended to reverse precedent that had stood for nearly half a century and eliminate a woman's constitutional right to reproductive freedoms. I've watched as this ultraconservative 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 fought to establish and protect marriage equality in Hawaii for more than a quarter of a century, I refuse to stand by and watch this Court take a hatchet to rights won that had previously been denied. If this Court follows through on its threat to revisit *Obergefell*, we could easily see nationwide rights to same-sex marriage restricted again.

Speaking on the floor and voting for the passage of the Hawai'i Marriage Equality Act of 2013, which established same-sex marriage in Hawaii, was one of the defining moments of my tenure in the Hawaii State Senate. Although this is still law in our state, Article I, Section 23 of the Hawaii State Constitution also grants our state legislature the power to limit who can marry. This discriminatory language cannot be allowed to stand.

If *Obergefell* falls and a future legislature acts to limit marriage equality in Hawaii, the rights of same-sex couples in our state could once again face limitations.

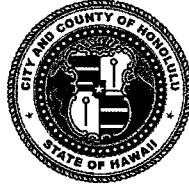
We cannot stand by and hope the U.S. Supreme Court does nothing. The right to be who you are and love who you choose are at risk. We must take action to preserve the rights that so many LGBTQ people in Hawaii have fought for and rightfully deserve, now and in the future.

Thank you for the opportunity to testify.

OFFICE OF THE MAYOR
KE KE'ENA O KA MEIA
CITY AND COUNTY OF HONOLULU

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RICK BLANGIARDI
MAYOR
MEIA



MICHAEL D. FORMBY
MANAGING DIRECTOR
PO'O HO'OKELE

KRISHNA F. JAYARAM
DEPUTY MANAGING DIRECTOR
HOPE PO'O HO'OKELE

February 20, 2024

The Honorable David A. Tarnas, Chair
The Honorable Gregg Takayama, Vice Chair
And Members of the House Committee on Judiciary and Hawaiian Affairs
State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Tarnas, Vice Chair Takayama, and Committee Members:

Re: Testimony in **Support** of House Bill 2802 (2024)

As the Mayor of the City and County of Honolulu, I strongly support HB2802. In 2015, the Supreme Court held that state bans on same-sex marriages and recognizing same-sex marriages duly performed in other jurisdictions are unconstitutional. In accordance with the Obergefell v. Hodges, 576 U.S. 644 (2015) decision, it is appropriate and right to conform our state constitution with the law of the land and allow voters the opportunity to amend our state constitution to remove the legislature's authority to reserve marriage to opposite-sex couples.

Thank you for the opportunity to testify in support of this measure.

Sincerely,

A handwritten signature in black ink that reads "Rick Blangiardi".

Rick Blangiardi
Mayor



HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

530 S. KING ST. STE. 202, HONOLULU, HI 96813

ESTHER KIA'ĀINA
VICE CHAIR
HOPE LUNA HO'OMALU
HONOLULU CITY COUNCIL
DISTRICT III
TELEPHONE: (808) 768-5003
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February 20, 2024

Aloha Chair Tarnas, Vice Chair Takayama, and members of the committees on Judiciary & Hawaiian Affairs:

I strongly **support** HB2802 – Proposing an Amendment to Article 1, Section 23, of the Hawai'i Constitution Relating to Marriage, which proposes a constitutional amendment to remove the discretion of the state legislature to limit marriage to opposite-sex couples. To the extent that the state regulates and recognizes any marriages, this amendment is a crucial step towards ensuring that everyone in Hawai'i, regardless of gender or sexual orientation, is treated with fairness and equality, in perpetuity.

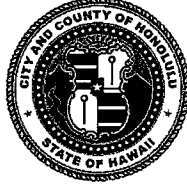
While the legislature passed legislation to recognize marriage of same-sex couples in 2013, it is time to ensure inclusivity, diversity, and equality is reflected in Hawai'i's constitution, the foundational governing document of the state, so that political and social changes do not threaten to allow the state to discriminate against same-sex couples in the future. Not only should future loving couples be free from attempts to limit their option to marry in the future, but existing same-sex 'ohana deserve the same certainty, dignity, and stability of all other 'ohana in Hawai'i.

I thank the committee for its consideration of this measure.

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MICHAEL D. FORMBY
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DEPUTY MANAGING DIRECTOR
HOPE PO'O HO'OKELE

February 20, 2024

The Honorable David A. Tarnas, Chair
The Honorable Gregg Takayama, Vice Chair
And Members of the House Committee on Judiciary and Hawaiian Affairs
State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Tarnas, Vice Chair Takayama, and Committee Members:

Re: Testimony in **Support** of House Bill 2802 (2024)

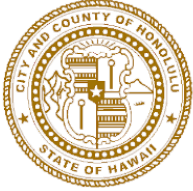
As the Managing Director of the City and County of Honolulu, I strongly support HB2802. On June 26, 2015, in the case of Obergefell v. Hodges, 576 U.S. 644 (2015), the U.S. Supreme Court held that state bans on same-sex marriage and on recognizing same-sex marriages duly performed in other jurisdictions are unconstitutional. As such, it is appropriate and right for the voters to have the opportunity to amend our state constitution to remove the legislature's authority to reserve marriage to opposite-sex couples and conform our state constitution with the law of the land.

Thank you for the opportunity to testify in support of this measure.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Formby", written over a horizontal line.

Michael D. Formby
Managing Director



HONOLULU CITY COUNCIL
KE KANIHELA O KE KALANA O HONOLULU
530 S. KING ST. STE. 202, HONOLULU, HI 96813

TYLER DOS SANTOS-TAM
HONOLULU CITY COUNCIL
DISTRICT VI
TELEPHONE: (808) 768-5006
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EMAIL: tdossantos-tam@honolulu.gov

February 21, 2024

The Honorable David Tarnas
Chair, House Committee on Judiciary and Hawaiian Affairs
State Capitol, Room 432
Honolulu, HI 96813

**RE: IN SUPPORT, HB2802 Proposing an Amendment to Article 1, Section 23, of the
Hawai'i Constitution Relating to Marriage**

Aloha Chair Tarnas and Members of the Committee:

Mahalo nui loa for the opportunity to testify in very **strong support** of HB2802 and in support of people having the right to marry as LGBTQ couples. This proposed constitutional amendment to our Hawai'i State Constitution would remove the language that can preclude same-sex, non-binary, or gender non-conforming couples from marriage located in Article 1, Section 23.

In 2013, the Hawai'i Marriage Equality Act codified in law the right to marry for LGBTQ couples, but the remaining Section 23 incorporated into the Constitution in 1998, allows a future Legislature to undo that progress. This amendment to repeal this language will help guarantee protections to all couples, regardless of gender, ensuring equality and fairness for all citizens.

It's time for our State Constitution to fully embody the inclusive values of our state, and therefore this proposed amendment should be championed. Therefore, I urge you to lend your support to HB2802 to ensure that all individuals have the freedom to marry the person they choose. Please support this proposed amendment. This step is essential in upholding the principles of equality and fairness for the residents of Hawai'i.

Mālama pono,

A handwritten signature in black ink that reads "Tyler Dos Santos-Tam". The signature is written in a cursive, flowing style.

HB-2802

Submitted on: 2/19/2024 4:49:36 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
robert baldwin	Scarlet Honolulu	Support	In Person

Comments:

Aloha Chair Tarnas and JHA Committee Members,

I'm Robbie Baldwin from Scarlet Honolulu. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples. The Hawai'i Marriage Equality Act of 2013 codified in Hawai'i law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples. The Hawai'i State Constitution should reflect the best of Hawaii's values. Please support HB2808.

Mahalo for your time and consideration.



Committee: Judiciary & Hawaiian Affairs
Hearing Date/Time: Wednesday, February 21, 2024, at 2:00pm
Place: Conference Room 325 & Via Videoconference
Re: **Testimony of the ACLU of Hawai'i in SUPPORT of HB2802
Proposing an Amendment to Article 1, Section 23, of the Hawai'i
Constitution Relating to Marriage**

Dear Chair Tarnas, Vice Chair Takayama, and Members of the Committee:

The ACLU of Hawai'i **SUPPORTS HB2802**, 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 ruled in *Baehr v. Lewin*, that refusing to grant marriage licenses to same-sex couples was discriminatory under our Hawai'i Constitution. 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 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 Section 23. 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 Tarnas and Members of the Committee on Judiciary & Hawaiian Affairs

February 21, 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 HB2802 so we can 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

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.

American Civil Liberties Union of Hawai'i
P.O. Box 3410
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Committee: Judiciary & Hawai'i an Affairs
Hearing Date/Time: Wednesday, February 21, 2024 at 2:00pm
Place: Conference Room 325 & Via Videoconference
Re: *Testimony of the Change 23 Coalition in SUPPORT of HB2802
Proposing an Amendment to Article 1, Section 23, of the Hawai'i
Constitution Relating to Marriage*

Aloha Chair Tarnas, Vice Chair Takayama, and Members of the Committee:

The Change 23 Coalition **SUPPORTS HB2802**, 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 Hawai'i an 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 1994 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 found 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", it would put a cloud of criminality over me to openly support the opposition.



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 Senator Jackie Young. I was still semi-closeted and meeting Senator Young, a long Korean Community friend of my family, and fierce civil rights advocate, was a surprise. I was inspired that she was leading the fight for our civil rights while also battling cancer.

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. There were very few legislators that stood by their principles and voted against the amendment. Their vote would have serious political cost; many faced tight elections, hateful vocal opposition, and ultimately, some lost their seats. We are thankful for those that chose to remain or return to support civil rights in the Hawai'i legislature.



It would be a continuous battle for another 15 years before marriage would be legal in Hawai'i. Thankfully, time has changed hearts and minds. To my disappointment, I suspect in 1998 the majority in my large fifth-generation family voted for Section 23. By 2013 many in my family and the community would rally at the legislature for statutory marriage equality. For our rushed first-day-of-legal wedding, we had the honor of

Justice Levinson officiating with the former Adjutant General of the Hawai'i National Guard and his wife as witnesses. Our reception had hundreds of friends

and family celebrating. The discrimination fever had broken. The respect, love, and aloha of the people of Hawai'i had returned.

It is a measure of success that after 10 plus years of same-sex marriages, millennials are surprised 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 Supreme Court decision. Unfortunately, most people were also horrified to discover a Supreme Court decision like *Dobbs* could change your 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

TESTIMONY IN SUPPORT OF HB 2802

TO: Chair Tarnas, Vice Chair Takayama, & JHA Committee Members

FROM: Nikos Leverenz
Grants & Advancement Manager

DATE: February 21, 2024 (2:00 PM)

Hawai'i Health & Harm Reduction Center (HHRC) **strongly supports** HB 2802. 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 if federal court precedent and law pivot toward exclusion of individual rights.

HHRC 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 to fund the state's LGBTQ+ Commission.

HHRC'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. Many have behavioral health problems, including those relating to substance use and underlying mental health conditions. Many of our clients and participants have been deeply impacted by trauma, including histories of physical, sexual, and psychological abuse.

Thank you for the opportunity to testify on this measure.

HB-2802

Submitted on: 2/21/2024 1:43:58 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Carolyn M Golojuch	Rainbow Family 808	Support	In Person

Comments:

February 19, 2024

Honorable Chair and Board Members

RE: Strong Support for HB2802 – Constitution on Marriage Rights for all

Rainbow Family 808 strongly supports HB 2802 in order to ensure that the all couples in Hawai`i have Equal Rights in keeping with all residents entering into the legal state of Marriage. Our support of this bill reflects our mission statement: Education, Advocacy and Support.

Many of the members of Rainbow Family 808 have been advocating for Civil Rights since the 1990's in many actions. Others around all islands had been advocating many years before the 1990's. Hawai`i was not the first to legalize Marriage for all. The following examples are listed to impart how important Civil Rights moves some of us into action.

My first testimony was in January 1996. Local leaders told me how important6 it was for a mother to stand up for my son. There had been another mother before me who testified but she had moved back to the continent. I was so happy that I was following in her steps. It was scary but Justice was a great motivator. Rarely does life give us opportunities to make a difference in our children's lives that toke one to this stage.

My spouse, Mike Golojuch, and I burnt a copy of our 1965 Marriage License on the steps of the Hawai`i Capitol building. It was to show that our value of our marriage didn't mean

anything if our son and friends couldn't legally marry. This was also done in hopes that the National PFLAG parents would follow suit in their hometowns to educate the public about the absence of the ability to marry was pure discrimination and prejudice against our children. Unfortunately other families didn't follow through, but we tried. We were in a new frontier. The former Star Bulletin covered us and photographed the action.

Many of us marched around the island of Oahu in support of Equal Marriage Rights. Others organized demonstration on all the other islands. Some had to take vacation time to join in demonstrations. Some people would stand on corners to Sign Wave in Support of Marriage Rights for all before work, others would Sign Wave after work.

I remember one evening, handing out small flyers with Forrest who flew in from Maui to work a few of the bars in Waikiki to educate the public of the importance of our Civil Rights action. Most of the time, I felt like the customers were just being polite and wanted to get back to their drinks. I believe we were planting seeds that our message would work on them and they would stand up for their own Civil Rights.

Forrest and I ended up a street fight with some teenagers. We knew 911 was called, the sirens were coming so we wanted them to stop fighting, get out of the street to avoid being arrested for violating curfew. There I was in a Muumuu, asking them if their mother knew they were in Waikiki on a school night? I did surprise this big, tall teen who had another teen in a choke hold. My high voice made him pay attention and in that moment, this big teen paused his hold and the smaller teen took the moment to run away, just as a couple of HPD cars squealed onto the scene. Forrest and I took off back to my car parked on a side street. It was late and I had classes in the moment. These are just a few of my memories from 1996 to 2012 when the Marriage Rights became law in Hawai`i.

We stood up to Global Churches that called our children perverts while they spent hundreds of thousands in ads that were adapted to shame us, intimidate us, threaten us with eternal damnation and more, Some of us were threatened and we called HPD to record these violations of our safety.

Here we are today, facing another challenge to Civil Rights as in Marriage Rights for all. To me, The Hawai`i Marriage Rights Act was a victory but now we see that language in our Constitution needs to be corrected in order that ARTICLE 1, SECTION 23 also matches Hawai`i Marriage Rights Act. This action is all about Justice. Justice wouldn't be allowed in Putin's Russia so we have to ensure that it is acted on in Hawai`i.

Thank you for the opportunity to provide our support for HB 2802. Rainbow Family 808 asks that you pass SB 2802 this session. All we want is Justice. Every day without these Civil Rights toward this Humane measure is a crime to humanity..

Sincerely,

Carolyn Martinez Golojuch, MSW

President and Founder Rainbow Family 808 2012-present

President PFLAG-Oahu 1995-2012

Hawai`i Representative Freedom from Religion Foundation



TESTIMONY FROM THE DEMOCRATIC PARTY OF HAWAII

HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

FEBRUARY 21, 2024

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

POSITION: STRONG SUPPORT

Aloha Chair Tarnas, Vice Chair Takayama and esteemed Members of the Committee,

The Democratic Party of Hawai'i **strongly supports** HB 2802, with a request to amend the language to match the language found in HB 2080, which is the constitutional amendment bill sponsored by the Equality Caucus.

While the Party strongly supports the bill, we are asking for the above referenced language, because it replaces the current bigoted language 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.

Furthermore, **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

Abby Simmons (she/her)
Co-Chair, Legislative Committee
(808) 352-6818
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

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

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



February 18, 2024

House's Committee on Judiciary & Hawaiian Affairs
Hawai'i State Capitol
415 South Beretania Street
Honolulu, HI 96813

Hearing: Wednesday, February 21, 2024 at 2:00 PM

RE: SUPPORT for House Bill 2802

Aloha Chair Tarnas, Vice-Chair Takayama and fellow committee members,

I am writing in support of House Bill 2802 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 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 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.

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 in 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 and 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 House Bill 2080, 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

Stonewall Caucus of the DPH - Testimony in Support of House Bill 2802

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 HB 2080 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

Stonewall Caucus of the DPH - Testimony is Support of House Bill 2802

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



TESTIMONY IN SUPPORT OF H.B. 2802

To: Chair David Tarnas, Vice-Chair Greg Takayama, and Members of the Committee on Judiciary and Hawaiian Affairs

From: The Hawai'i Friends of Civil Rights
Co-Chairs Amy Agbayani and Pat McManaman

The Hawai'i Friends of Civil Rights works to achieve equity, justice, and inclusion, uphold civil rights, and eliminate discrimination.

While we support this measure, we prefer the replacement language found in **S.B. 3351, S.D. 1.**, which proposes to prohibit discrimination against a person because of ethnicity, national origin, age, disability, or sex, including sexual orientation, gender identity, gender expression, pregnancy, and pregnancy outcomes.

A constitutional amendment that expressly identifies these forms of discrimination underscores Hawai'i's historical commitment to civil rights. Moreover, it protects these rights against politicized courts eager to disregard well-established precedent, as was the case in *Dobbs v. Jackson Women's Health Organization* which overturned *Roe v. Wade*.

Thank you for the opportunity to testify on this measure.

HB-2802

Submitted on: 2/16/2024 10:38:31 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mike Golojuch, Sr.	Rainbow Family 808	Support	Written Testimony Only

Comments:

Rainbow Family 808 strongly supports HB2802. This is an equality and civil rights issue and a positive change to the State Constitution. Please pass this bill. Thank you.

Mike Golojuch, Secretary/Board Member

HB-2802

Submitted on: 2/17/2024 1:10:28 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Doris Matsunaga	North Hawaii Community Action Network	Support	Written Testimony Only

Comments:

North Hawaii Community Action Network supports HB2802

**Hawaii
Legislative
Council
Members**

Joell Edwards
Wainiha Country
Market
Hanalei

Russell Ruderman
Island Naturals
Hilo/Kona

Dr. Andrew Johnson
Niko Niko Family
Dentistry
Honolulu

Robert H. Pahia
Hawaii Taro Farm
Wailuku

Maile Meyer
Na Mea Hawaii
Honolulu

Tina Wildberger
Kihei Ice
Kihei

L. Malu Shizue Miki
Abundant Life
Natural Foods
Hilo

Kim Coco Iwamoto
Enlightened Energy
Honolulu

Chamber of
Sustainable
Commerce
P.O. Box 22394
Honolulu, HI
96823

Rep. David A. Tarnas, Chair
Rep. Gregg Takayama, Vice Chair
Comm. on Judiciary & Hawaiian Affairs

Wednesday, February 21, 2024
2:00 PM, Room 325 or Via Videoconference

RE: **HB2802** Proposing ConAm to Remove Discrimination - **Support**



Dear Chair Tarnas, Vice Chair Takayama & Committee Members,

The Chamber of Sustainable Commerce represents over 100 small businesses across the State that strive for a triple bottom line: people, planet and prosperity; we know Hawaii can strengthen its economy without hurting workers, consumers, communities or the environment.

For this reason, we support HB2802, that proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples. People in same-gender relationships own businesses, they and their families are consumers, active participants in our communities and protective stewards of our environment; they deserve same protections, benefits and responsibilities that opposite-gender couples have in ALL interactions with the State.

The Hawaii Constitution continues to contain two sections that explicitly prohibits the State from discriminating against people based on "sex": Article I, Sections 3 and 5. The section at the center of this bill, Section 23, is defective by design and construction. Section 23 is null and void because the "may" discriminate **discretion** in Section 23 **can never override** the "shall" protect & enforce **directives** in Sections 3 and 5.

In order for Section 23 to be valid, Sections 3 and 5 would have had to first be amended to remove "sex" as a protected category. Alternatively, Section 3 would have had to be amended to allow the legislature "to limit" provisions in Section 3; instead, the 1997 Legislature preserved the language in Section 3 that states, "The legislature shall have the power **to enforce**, by appropriate legislation, the provisions of this section."

Targeted, unconstitutional discrimination on the basis of sex should never have been enshrined in the Hawaii Constitution in 1998. The state must repeal Section 23, not just because it is morally flawed, but because the originating ballot question given to voters in 1998 was procedurally erroneous and technically ineffective.



INDIVISIBLE HAWAI‘I

February 19, 2024

Dear Representatives Tarnas, Takayama, Evslin, Ganaden, Holt, Ichiyama, Ilagan, Kong, Miyake and Souza,

I write on behalf of Indivisible Hawai‘i to urge that **HB2802** be recommended for passage by this committee. The language in Article 1, Section 23, “The legislature shall have the power to reserve marriage to opposite sex couples,” should **not** be in our State Constitution. For one, it is in direct conflict with these other sections of our State Constitution:

Article 1, Section 1.3. Equality of rights. Equality of rights under the law shall not be denied or abridged by the State on account of sex.

Article 1, Section 1.5. Due process and equal protection. No person shall be . . . denied the enjoyment of the person’s civil rights or be discriminated against in the exercise thereof because of . . . sex . . .

These two provisions prohibit discrimination based on sex. Denying the right to marry to same sex couples is discrimination based on sex. Justice Neil Gorsuch, a staunch conservative, made this clear in *Bostock v. Clayton County*, 590 U.S. ___, 140 S. Ct. 1731 (2020), recognizing the obvious: “. . . discrimination based on homosexuality . . . necessarily entails discrimination based on sex; the first cannot happen without the other.” But in 1998, the public didn’t see things that way. The two quoted provisions were *already in our State Constitution in 1998*, when Article 1, Section 23 flatly allowing discrimination against homosexuals was added by the electorate.

The individual rights we have long held under our State and Federal Constitutions and have long taken for granted are not set in stone. We have only to look at the U.S. Supreme Court’s abortion decision, *Dobbs v. Jackson Women’s Health Organization*, 597 U.S. 215 (2022), to recognize this.

Let’s make sure our rights are protected for all Hawai‘i citizens. Please approve **HB2802** for passage.

Sincerely,

Lisa Gibson
Group Leader
Indivisible Hawaii

Indivisible is a national grassroots movement formed in December 2016 to defeat the Trump agenda of racism, misogyny and authoritarianism. There are now thousands of local Indivisible groups across the county representing over a million people. In Hawai‘i, we have seven chapters across four islands representing over a thousand pro-democracy citizens.

S



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

February 18, 2024

House's Committee on Judiciary & Hawaiian Affairs
Hawai'i State Capitol
415 South Beretania Street
Honolulu, HI 96813

Hearing: Wednesday, February 21, 2024 at 2:00 PM

RE: STRONG SUPPORT for House Bill 2802

Aloha Chair Tarnas, Vice-Chair Takayama 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 HB 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

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

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

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.

HB-2802

Submitted on: 2/19/2024 4:49:02 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nikos Leverenz	Drug Policy Forum of Hawaii	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Takayama, and Committee Members:

Drug Policy Forum of Hawai‘i (DPFH) strongly supports this bill to begin the process of repealing a section of the state constitution that leaves the door open for a future prohibition on same-sex marriage.

DPFH also commends Chair Tarnas' 1997 vote against placing what would become Article I, Section 23 on the ballot.

Mahalo for the opportunity to provide testimony in support of those from our state's LGBTQ+ communities. Those who are trans or LGBQ are still disproportionately involved in a legal system that functionally criminalizes poverty and behavioral health issues. A draconian drug possession law and a paraphernalia law serve as gateways into protracted terms of incarceration and supervision, resulting in probation terms that are the highest in the nation.



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
House of Representatives
Committee on Judiciary & Hawaiian Affairs

Testimony by
Hawaii State AFL-CIO

February 21, 2024

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

Chair Tarnas, Vice Chair Takayama, and members of the committee:

The Hawaii State AFL-CIO is a federation of 74 affiliate labor organizations who represent over 68,000 union members within the State of Hawaii. The Hawaii State 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, 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 towards 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. Every individual 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 towards a more just and inclusive society, where all individuals are treated with dignity and respect.

Respectfully submitted,

Randy Perreira
President



Papa Ola Lokahi
Nana I Ka Pono Na Ma

894 Queen Street
Honolulu, Hawaii 96813
Phone: 808.597.6550
www.papaolalokahi.org

House Committee on Judiciary and Hawaiian Affairs

Representative David A. Tarnas, Chair
Representative Gregg Takayama, Vice Chair

Wednesday, February 21, 2024, 2:00 PM, Conference Room 325 & Videoconference

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

Position: SUPPORT

Dear Chair Tarnas, Vice Chair Takayama, and Members of the Committee,

Papa Ola Lokahi testifies **in support** of HB 2802, 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 Hawaii to repeal the constitutional amendment restricting the freedom to marry for same-sex couples. Doing so would remove any uncertainty for the 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.

Papa Ola Lōkahi, the Native Hawaiian Health Board, authorized by the federal Native Hawaiian Health Care Improvement Act, is charged with raising the health status of Native Hawaiians to the highest possible level, which we achieve through strategic partnerships, programs, and public policy.

HB-2802

Submitted on: 2/20/2024 12:38:43 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cinthia Miller	O&A Consulting LLC	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members,

My name is Cinthia Miller and I live in Honolulu, Hawaii. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples. The Hawai'i Marriage Equality Act of 2013 codified in Hawai'i law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples. The Hawai'i State Constitution should reflect the best of Hawaii's values. Please support HB2808.

Mahalo for your time and consideration,

Cinthia Miller



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

Wednesday, February 21, 2024

2:00pm

Conference Room 325 & Videoconference
State Capitol, 415 South Beretania Street

To: The Honorable David A. Tarnas, Chair
The Honorable Gregg Takayama, Vice Chair
Members of the House Committee on Judiciary & Hawaiian Affairs

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

Re: H.B. No. 2802

The Hawai‘i Civil Rights Commission (HCRC) supports H.B. 2802. 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 continues to lurk 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 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.

HB-2802

Submitted on: 2/20/2024 12:48:59 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jeffrey Hong	Techmana LLC	Support	Written Testimony Only

Comments:

Techmana LLC is in strong support of **HB 2802**. We need to demonstrate Hawaii is a welcoming place for employers to bring their employees.

Constitutionally codified discrimination is not attractive to develop a diverse workforce.

HB-2802

Submitted on: 2/20/2024 1:07:38 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Joseph Kohn MD	We Are One, Inc. - www.WeAreOne.cc - WAO	Support	Written Testimony Only

Comments:

*Aloha Chair Tarnas and JHA Committee Members, my name is Dr Joseph Kohn and I live in Wailuku, Maui. I'm writing in **strong support of HB2808**, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples.*

*The Hawai'i Marriage Equality Act of 2013 codified in Hawai'i law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe **Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples.***

The Hawai'i State Constitution should reflect the best of Hawai'i's values, please support HB 2808. Mahalo for your time and consideration.

With your help, we can right this wrong and ensure people have the freedom to marry the person they love.

Mahalo for your kōkua,

www.WeAreOne.cc



HawaiianEthos

To: Representative David Tarnas, Chair of the House Committee Judiciary & Hawaiian Affairs
Representitive Gregg Takayama, Vice Chair of the House Committee Judiciary & Hawaiian Affairs

Fr: Noah Phillips - Hawaiian Ethos

Re: Testimony **In Support of House Bill (HB) 2802**

PROPOSING AN AMENDMENT TO ARTICLE 1, SECTION 23, OF THE HAWAII CONSTITUTION RELATING TO MARRIAGE. Proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples.

Dear Chair, Vice-Chair, and Members of the committee:

Hawaiian Ethos **supports HB2802** which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples. Hawaiian Ethos is a vertically integrated licensed dispensary operating in the State of Hawai'i since 2018, with three retail locations in the Hilo, Kona, and Waimea areas providing completely solventless medical cannabis products on the Island of Hawai'i. As a provider of medical cannabis in Hawaii, we see first-hand the rich fabric of diversity that comprise our patients and island home. Our industry and patients have faced unnecessarily similar challenges of discrimination and degradation against the similar backdrop of evolving national opinions. While the Hawai'i Marriage Equality Act of 2013 made possible marriage for same-sex couples 11 years ago, the discriminatory language of Section 23 remains in Hawaii's foundational governing document.

We urge the legislature to pass HB2802 to reestablish the honor and respect that our island home have traditionally bestowed on its LGBTQ peoples.

Thank you for the opportunity to testify.

Noah Phillips, on Behalf of Hawaiian Ethos

HB-2802

Submitted on: 2/20/2024 1:51:21 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Joseph Bock	Honolulu Liquor Commission	Support	Written Testimony Only

Comments:

Legislators,

I write in support of HB2802, which proposes a constitutional amendment to remove the legislature’s authority to limit marriage to opposite-sex couples.

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 Hawaii’s foundational governing document.

Given national trends against gender identity, the U.S. Supreme Court’s roll-back of abortion protections, and their 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. That right may not be immediately in peril, it’s never the wrong time to fight against bigotry. The Constitutional language in Section 23 is a prime example.

Let us now, once and for all, pass HB2802 so voters can undo a wrong done 26 years ago.

Mahalo,

Joseph Bock

Commissioner

Honolulu Liquor Commission

Hawaii business owner & Resident



Aloha for All is Good Business

February 21, 2024

RE: FULL SUPPORT FOR HB2802 PROPOSING AN AMENDMENT TO ARTICLE 1, SECTION 23, OF THE HAWAII CONSTITUTION RELATING TO MARRIAGE

Dear Representatives:

The Hawaii Rainbow Chamber of Commerce represents small businesses, individuals, corporations, and nonprofit associations whose members share values of promoting diversity and equality. As such, we advocate for equality of opportunity in business and society for the LGBTQ+ community.

In 1998 in a climate of fear-mongering and demonization, the Hawaii State Constitution was modified via Article 1, Section 23 to specifically allow the denial of a basic right to an entire group of people –specifically those who are LGBTQ+. This is the only section of our Constitution designed to deny individuals equal rights.

Twenty-five years later, we still have this discrimination written into our basic law. It is simply time to remove this sad relic of history.

While the fundamental right to marry has been the law of the entire nation since 2015, vestiges of the discriminatory laws remain, like that of Article 1, Section 23, and it is way past time to right this wrong.

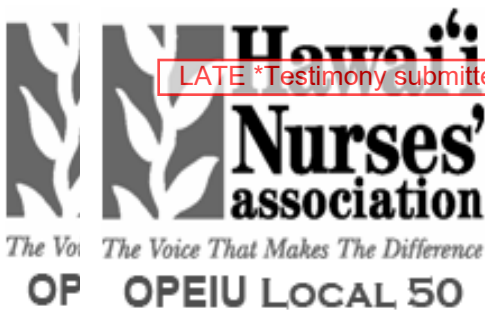
The intense discrimination against LGBTQ+ people continues to exist and is radically increasing nationwide, with the last few years seeing extreme anti-LGBTQ+ laws passed around the country. Hawaii has the opportunity and obligation to a leader in demonstrating that all of its people are equal under the law by removing or modifying the existing article.

The Hawaii Rainbow Chamber of Commerce unequivocally supports the fundamental equality under the law for all laws, and specifically for the right for all people to marry, regardless of sexual orientation, gender identity or expression by changing or removing Article 1, Section 23 of the Hawaii State Constitution.

Please support this change and make our Constitution one that promotes equality for all.

Winston Welch, President

Hawaii Rainbow Chamber of Commerce



Rosalee Agas Yuu, RN

President

1600 Ala Moana Blvd Suite 100

Honolulu, HI 96815

Tel: (808) 531-1628

Fax: (808) 524-2760

The Thirty-Third Legislature, State of Hawai'i
Hawai'i State House
Committee Judiciary & Hawaiian Affairs

Testimony by
Hawaii Nurses Association
February 21, 2024

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

DATE: Tuesday, February 21, 2024

TIME: 2:00 PM

PLACE: Conference Room 325

Chair Senator Tarnas,

The Hawaii Nurses Association - OPEIU Local 50, affiliated with the AFL-CIO founded in 1917, represents 4,000 nurses, respiratory therapists, and other healthcare workers across the State of Hawai'i. We are grateful for this opportunity to express our **STRONG SUPPORT of HB2802**

Thank you for this opportunity to express our strong support for the proposed constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples. This amendment represents a pivotal step towards achieving equality, justice, and fairness for all citizens, regardless of their sexual orientation.

Marriage is a fundamental human right that should not be restricted by gender. The ability to marry the person one loves and to have that marriage recognized and protected under the law is a matter of civil rights. It is essential for the emotional, psychological, and social well-being of individuals and families. By removing the legislature's authority to impose such limitations, we affirm our commitment to the principles of equality enshrined in our constitution and our belief in the dignity of every individual.

Limiting marriage to opposite-sex couples not only discriminates against LGBTQ+ individuals but also perpetuates a stigma that undermines the fabric of our society. It sends a message that some relationships are less valid or important than others, which is contrary to the values of inclusion and respect for diversity.

Furthermore, numerous studies have shown that allowing same-sex marriage has positive social, economic, and health outcomes. It strengthens communities by fostering stability and supporting the rights and responsibilities that marriage entails. Legal recognition of same-sex marriages also benefits children raised in these families, providing them with the legal security and social acknowledgment that come from having married parents.

In conclusion, this amendment is not merely about marriage; it is about affirming the principle that all citizens deserve equal rights and protections under the law. I urge you to support this constitutional amendment and take a stand for equality, dignity, and justice for all.

Thank you for considering my testimony on this critical issue.

Respectfully,

Rosalee Agas Yuu,
President



HAWAII PORTS MARITIME COUNCIL

affiliated with

Maritime Trades Department

AMERICAN FEDERATION OF LABOR and CONGRESS OF INDUSTRIAL ORGANIZATION

606 Kalihii Street Honolulu, Hawaii 96819

TELEPHONE: (808) 845-5222

FAX: (808) 841-1191

Member Unions:

February 20, 2024

American Federation Of
Government Employees

Hawaii Government
Employees Association,
AFSCME Local 152

Hawaii Pilots Association,
MM&P Pilots Division

Inlandboatmen's Union
of the Pacific

International Brotherhood of
Boilermakers, Iron Ship
Builders, Blacksmiths,
Forgers and Helpers
Lodge 627

International Brotherhood of
Electrical Workers Local 1186

International Brotherhood of
Electrical Workers Local 1260

International Longshore and
Warehouse Union Local 142

International Union of
Elevator Constructors
Local 126

Ironworkers Union
Stabilization Fund
Local 625

Laborers' International Union
of North America Local 368

Marine Engineers'
Beneficial Association

Marine Firemen,
Watertenders, Oilers & Wipers

Masters, Mates and Pilots,
Offshore Division

Sailors' Union of the Pacific

Seafarers International Union

Sheet Metal Workers Local 293

United Food and Commercial
Workers International Union
Local 480

House Committee on Judiciary & Hawaiian Affairs

Honorable David A. Tarnas, Chair

Honorable Gregg Takayama, Vice Chair

Members of the House Committee on Judiciary & Hawaiian Affairs

RE: H.B. 2802 PROPOSING AN AMENDMENT TO ARTICLE 1, SECTION
23, OF THE HAWAII CONSTITUTION RELATING TO MARRIAGE.

The Hawaii Ports Maritime Council strongly supports H.B. 2802 in support to
remove the legislature's authority to limit marriage to opposite-sex couples. We
appreciate your consideration and strongly urge passage of H.B. 2802.

Respectfully,

A handwritten signature in black ink that reads "Randy Swindell".

Randy Swindell
President



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

February 20, 2024

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Trisha Y. Nakamura

Logan Narikawa

Advisory Council

Allicyn Hikida-Tasaka

Clayton Ikei

William Kaneko

Colbert Matsumoto

Alan Murakami

To: Chair David A. Tarnas and Members of the House Committee on Judiciary & Hawaiian Affairs Committee

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 Tarnas 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 that 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

HB-2802

Submitted on: 2/18/2024 5:15:32 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Roger Branon Rodriguez	Individual	Support	In Person

Comments:

My name is Roger Branon Rodriguez. Thirty-six years ago an 18-year-old Roger went on Hawaii Public Radio to talk about life as an out, gay teenager in 80's Hawaii. There was no anti-bullying law back then, no discrimination protections for sexual orientation, no benefits to same-sex partners of state employees, no recognition of gay couples, civil unions or marriage, no pride month, or official pride parades. And yet, gay people were here. They were everywhere. There were gay bars and gay restaurants, gay boutiques, and gay clubs. There were gay couples too—committed gay couples who lived their lives in the open, sheltering one another from the storms of hate, the onslaught of AIDS, waiting and fighting for the day when the rest of the country would recognize that their love was just as good.

Fortunately, a lot has changed since then and Hawaii has often led the way, honoring and protecting its people. Hawaii has the opportunity to lead once again.

If the Supreme Court were to overturn Obergefell, there would still be gay couples. There will still be gay people falling in love, committing themselves to one another, building lives together, adopting animals, fighting over the bed covers, missing each other during off-island conferences, and nursing one another back to health. The worry is that without marriage protections there could be a return to the days when husbands and wives, committed gay couples, are forbidden from seeing their loved ones in the hospital, simply because they aren't legally recognized as family. Please don't let that happen to us again. Please.

Without marriage protection it is possible that when I die, my husband will lose his say over what happens to my remains, or our shared belongings: the sofa purchase we agonized over, the bed we made love in, the oven we used to prep Friendsgiving turkey every year for our chosen family, even our beloved dogs. Imagine dealing with the death of your partner and having the rug (literally) pulled out from underneath you.

Please pass HB2802 and protect my marriage, and thousands of other, beautiful and sacred Hawaiian marriages. End the uncertainty, the worry. Let our love be.

Dear Mr. Chairman and members of the Judiciary and Hawaiian Affairs Committee,

I submit this testimony in support of HB 2802, 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. Let the people vote. 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, stylized "F" at the end.

Judge Daniel R. Foley (ret.)

Aloha Chair Tarnas, Vice Chair Takayama, and the Committee on Judiciary & Hawaiian Affairs,



Mili (right) with 100 students from 4 different HIDEOE GSA Clubs at Honolulu Pride 2022

My name is Sarah "Mili" Milianta-Laffin, and I'm a public school teacher at 'Ilima Intermediate School in Ewa Beach. You will hear many important reasons for supporting HB2802 today. For my testimony, I'd like to share my experience as a Hawaii public school teacher who has directly supported over 200 LGBTQ+ students as the faculty sponsor of a GSA After School Club.

GSAs in the 1990s were known as "Gay Straight Alliance" clubs and we now call them "Genders & Sexualities Alliance" clubs. These are after school clubs, for students by students, to create safe space for LGBTQ+ students on campus, and to help the entire school in efforts to fight homophobia and bullying. In 2020, out of 8,000 national GSAs, our 'Ilima Intermediate School GSA - the Rainbow Royales - won GLSEN's "GSA of the Year" award.

Many of my LGBTQ+ students struggle not being able to be safely "out" at home, or at school. Student mental health concerns have been exacerbated by the pandemic, and when I work with these students, I always try to focus them on a future that gets better, where they can thrive and be themselves. They can and should expect to have job protections, the ability to be their full selves in all spaces, access to family building resources, and the expectation that they can get married like anyone else in our state.

Simply put, the legalization of gay marriage has saved student lives. Suicide is the second leading cause of death among adolescents between the ages of 15 and 24 years. Adolescents who are sexual minorities experience elevated rates of suicide attempts.

A study published in the Journal of the American Medical Association - Pediatrics found that implementing marriage equality is associated with a 7% drop in the number of high school students who reported suicidal ideation. For LGB students, the drop in suicidal ideation was even bigger at a 14% decrease. These decreases were enough for researchers to say that having laws that allow same-sex marriage is linked with suicide rates, which props up other research that shows the more we accept people, the less depressed and likely to have suicidal thoughts they are.

By supporting this bill, you support the future protection of marriage rights, and in doing so, support my students in seeing a future where it will always be safe to be their full selves in our state.

Mahalo for Reading,

Sarah "Mili" Milianta-Laffin
Faculty Sponsor of the 'Rainbow Royales' GSA Club
Ilima Intermediate School, Ewa Beach

House Committees on Judiciary and Hawai'ian Affairs

Wednesday, February 21, 2024

2:00 p.m.

State Capitol, Conference Room 325 & Videoconference

In Support of

H.B. No. 2802, Proposing an Amendment to Article 1, Section 23, of the Hawai'i Constitution Relating to Marriage

Aloha Chair Tarnas, Vice Chair Takayama and members of the Committee:

HB2802 was drafted as a means to continue Hawai'i's fight to uphold marriage equality for sexual and gender minorities. Our great state embodied the "aloha spirit" by being one of the pioneers in shaping laws which prohibit discrimination based on sexual orientation for rights and liberties such as employment and housing.

With the current make-up of a majority Supreme Court, more responsibility is being placed into the hands of states. As such it is important that—we as a state—let the country and our beloved Hawai'i LGBTQIA+ community know that the state and its communities support them and their rights. While we continue to incorporate and blend lost Kānaka Maoli culture, customs, and values into our lives and laws, we must acknowledge in pre-contact Hawai'i, aikāne and māhū were not met with guilt and shame (Diamond, 2004)¹. These kama'āina were free to express their diversity in both gender and sexuality.

The aim of this amendedment is give rights, not strip them. This measure does not infringe or remove someone's First Amendent right to practice their faith or sanctify unions based on one's beliefs. HB2820 gives equal rights to same-sex couples, who deserve the same rights as anyone else and the same protections of those who can currently enjoy that right.

In closing, I am grateful to be able to participate in our legal system, and play a part in bringing justice to its rightful place. I am grateful to be able to add my voice to those that believe that the free exercise of human rights should be afforded to all of us equally, and not just a select few. I urge you to please support HB2802, by amending Article 1, Section 23, of the Hawai'i Constitution Relating to Marriage. Mahalo.

Kellen Parenzin

¹ Diamond, M. (2004). Sexual behavior in pre contact Hawai'i: a sexological ethnography. *Revista española del Pacífico*, (16), 37-58.

HB-2802

Submitted on: 2/21/2024 6:43:24 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Maki Morinoue	Individual	Support	Remotely Via Zoom

Comments:

Aloha

I grew up surrounded by creatives. Many of them gay before gays were apparently accepted but I didn't know this as a child. They were my uncles and aunties that loved someone that was the same sex.

Majority of them who are retired age now did not live past the 80s during the Aides epidemic. I had to listen to my uncles tormented as they were not allowed to be near their life long partners because that model of a relationship structure had no laws to protect them and allowed a power dynamic for hospital staff to kick the partner out of the room and let their patient die alone.

As a keiki it's clear to understand prejudice we make friends and connect with what is real not the color of our skin or choice in sex.

Just like the many people that faced doom throughout man's history, the famous poem made by a Nazi supporter changed his mind when in prisoned, "FIRST THEY CAME" – BY PASTOR MARTIN NIEMÖLLER

They came for Roe vs Wade and now we have teens unable to have babies after complications, woman dying again from complications we could prevent and the ugliness of being forced to carry to term for victims of rape! Yet at the same time NO childhood benefits with early childhood development support and education through all life brought into our world!

Humanity is reflecting the ugly repetitive patterns of hatred, masked behind religion or just clear ignorance.

This is vital to protect and recognize LGBTQ community and ensure they don't come for them too. Now is the time to pass this law!

Mahalo
Maki Morinoue
Holualoa, Hawai'i

96725

HB-2802

Submitted on: 2/16/2024 10:47:02 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Alex B.	Individual	Oppose	Written Testimony Only

Comments:

Oppose

HB-2802

Submitted on: 2/16/2024 12:15:41 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
George Atkins	Individual	Support	Written Testimony Only

Comments:

I support this bill to remove the power of the legislature to control marriage equality.

To: House Judiciary Committee

Re: IN SUPPORT of HB 2802

As a voting resident of Honolulu, and as a gay man in a same-sex marriage since 2014, I would welcome constitutional protection for myself and my spouse and for all future same-sex couples. Thank you for your consideration of this meaningful step.

HB-2802

Submitted on: 2/16/2024 4:54:42 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Eileen McKee	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am writing in **strong support of HB2802**. Let's take the time to fix the mistake made back in 1998.

Mahalo for considering my testimony.

Eileen McKee, Kihei

HB-2802

Submitted on: 2/16/2024 5:04:33 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Anne Kamau	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill. Mahalo.

HB-2802

Submitted on: 2/16/2024 5:19:40 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Leimomi Khan	Individual	Support	Written Testimony Only

Comments:

Support.

HB-2802

Submitted on: 2/16/2024 5:21:33 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cari Sasaki	Individual	Oppose	Written Testimony Only

Comments:

This amendment only makes sense in a totalitarian society. Current representatives are trying to limit how future representatives can govern. This is an attempt to codify a political opinion into the state constitution. If the opposite were being proposed, that the legislature constitutionally couldn't define marriage as anything other than one man and one woman, liberals would honestly lose their minds. This bill is political bullying by the majority party.

HB-2802

Submitted on: 2/16/2024 8:38:30 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Richard S Velasquez	Individual	Support	Written Testimony Only

Comments:

Please support and vote for this bill. It will safeguard rights for the people of Hawaii for years to come and insure our ohana enjoy equal rights.

thank you for all you do for the community

HB-2802

Submitted on: 2/17/2024 2:04:35 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ben Robinson	Individual	Support	Written Testimony Only

Comments:

Support

HB-2802

Submitted on: 2/17/2024 4:53:42 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael Moylan	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB2802.

HB-2802

Submitted on: 2/17/2024 7:56:08 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
David Ball	Individual	Support	Written Testimony Only

Comments:

I am delighted to see the Committee take up this important measure to right a historical wrong. Hawaii had the opportunity to lead the nation in advocating for LGBTQ+ equality more than 30 years ago, but it shamefully enshrined bias into its Constitution instead. We now know this is the wrong side of history, with bigoted attacks against our LGBTQ 'ohana on the continent increasing. Removing this language not only protects every citizen of Hawaii from prejudice and hatred, it once again affirms our aloha for every member of our society. Thank you for standing on the side of civil rights and equality before the law.

Sincerely yours,

David Ball

Waiialae-Kahala

HB-2802

Submitted on: 2/17/2024 10:51:18 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Chuck Taylor	Individual	Support	Written Testimony Only

Comments:

Since gay marriage is the law of the country, it seems ridiculous to have the state constitution allowing the legislature to restrict same-sex couples from marrying.

As we have seen states outlawing abortion based on long forgotten laws, Hawaii should prevent that from happening here in regards to same-sex marriage should the U.S. Supreme Court change their minds.

HB-2802

Submitted on: 2/17/2024 11:00:47 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
tia pearson	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members, my name is Tia Pearson and I live in Wahiawa, HI. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples.

The Hawai'i Marriage Equality Act of 2013 codified in Hawaii law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples.

The Hawai'i State Constitution should reflect the best of Hawaii's values, please support HB 2808. Mahalo for your time and consideration.

HB-2802

Submitted on: 2/17/2024 11:08:57 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Judith A Mick	Individual	Support	Written Testimony Only

Comments:

Aloha- In Hawaii we should have the right to legally marry who we love.

Mahalo. Judith Mick, Kailua

HB-2802

Submitted on: 2/17/2024 11:11:42 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lewis Glenn	Individual	Support	Written Testimony Only

Comments:

To Whom It May Concern:

I write in support of 2802 HB PROPOSING AN AMENDMENT TO ARTICLE 1, SECTION 23, OF THE HAWAII CONSTITUTION RELATING TO MARRIAGE. Limiting marriage to "a man and a woman" does not reflect or respect the array of relationships that commonly exist in the world, but rather, it would seem, a particular Christian view of marriage. Marriage is, first and foremost, a civil event, a recognition and sanctioning by the state, that represents the people. It should not be limited or even defined by a particular religion that espouses a particular religious view. Sincerely, Lewis Glenn

HB-2802

Submitted on: 2/17/2024 11:15:15 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Douglas Pickarts	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members, my name is Douglas Pickarts and I am a registered voter in Hilo, HI. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples.

The Hawai'i Marriage Equality Act of 2013 codified in Hawaii law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples.

The Hawai'i State Constitution should reflect the best of Hawaii's values, please support HB 2808. Mahalo for your time and consideration.

HB-2802

Submitted on: 2/17/2024 11:15:47 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Deb Nehmad	Individual	Support	Written Testimony Only

Comments:

Aloha Committe Members.

Thank you for this opportunity to testify on thiis very important bill.

The Hawai'i Marriage Equality Act of 2013 codified in Hawaii law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples.

The Hawai'i State Constitution should reflect the best of Hawaii's values, please support HB 2808. Mahalo for your time and consideration.

Deb Nehmad

Hawaii Kai

HB-2802

Submitted on: 2/17/2024 11:17:04 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mary A. Wilkowski, Esq.	Individual	Support	Written Testimony Only

Comments:

Aloha, Chair Tarnas and JHA Committee Members,

I am Attorney Mary A. Wilkowski, and live in Honolulu. I'm writing to strongly support HB2808, which would amend our constitution to remove the current legislative authority to limit marriage to opposite-sex couples.

Although the Hawai'i Marriage Equality Act of 2013 codified in Hawaii law the right of LGBTQ couples to marry, its Section 23 allows the Legislature to undo that right. Given national trends against the LGBTQ community, SCOTUS' reversal of abortion protections, and its threatened overturn of Obergefell v. Hodges, Hawai'i must enshrine in our Constitution the unambiguous right of LGBTQ couples to marry.

The Hawai'i State Constitution should reflect the best of Hawaii values. Please support HB 2808.

Mahalo for your consideration.

HB-2802

Submitted on: 2/17/2024 11:17:45 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Marilyn Mick	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members,

I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples.

The Hawai'i Marriage Equality Act of 2013 codified in Hawaii law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples.

The Hawai'i State Constitution should reflect the best of Hawaii's values, please support HB 2808.

Mahalo for your time and consideration.

Marilyn Mick, Honolulu

HB-2802

Submitted on: 2/17/2024 11:25:59 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Anne Leake	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members, my name is Anne Leake and I live in Kaneohe I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples.

The Hawai'i Marriage Equality Act of 2013 codified in Hawaii law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples.

The Hawai'i State Constitution should reflect the best of Hawaii's values, please support HB 2808. Mahalo for your time and consideration.

HB-2802

Submitted on: 2/17/2024 11:42:58 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Vinayak Vinayak	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members,

My name is Dr. Vinayak and I live in TOWN/CITY. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples.

The Hawai'i Marriage Equality Act of 2013 codified in Hawaii law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples.

The Hawai'i State Constitution should reflect the best of Hawaii's values, please support HB 2808. Mahalo for your time and consideration.

Committee: House Committee on Judiciary & Hawaiian Affairs
Bill Number: HB 2802
Hearing Date/Time: February 21, 2024, 2:00 p.m
Subject: Testimony in **STRONG SUPPORT of HB 2802**, PROPOSING AN AMENDMENT TO ARTICLE 1, SECTION 23, OF THE HAWAII CONSTITUTION RELATING TO MARRIAGE

Aloha Chair Tarnas, Vice Chair Takayama, and Committee Members:

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

While I wholeheartedly support the intent of this bill to remove the prohibitive language for same sex marriages, I would further encourage the committee to consider the language proposed by the House Equality Caucus version of this bill. This bill as written now is a great step forward, but the language in the proposed amendment below would go further and not just remove the prohibition, but would also enshrine the protections on marriages based on race and sex.

Please consider adoption of an amendment as follows to allow these additional protections:

Section 23. The [~~legislature~~] right to marriage shall [~~have the power to reserve marriage to opposite sex couples.~~] not be denied or abridged by the State on account of race or sex."

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, and allowing the language above to be voted on for our State constitution would 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

Submitted on: 2/17/2024 11:52:50 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bettina Mok	Individual	Support	Written Testimony Only

Comments:

Dear Chair Tarnas and JHA Committee Members,

I'm a Honolulu resident writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples.

Hawai'i has led boldly with the Hawai'i Marriage Equality Act of 2013, which codified in Hawaii law the right to marry for LGBTQ couples. Now the remaining Section 23 could allow the Legislature to undo that important civil rights act. I believe Hawai'i must pass this bill to take proactively defend the right to marry for LGBTQ couples. Love is love.

With Aloha,

Bettina Mok

HB-2802

Submitted on: 2/17/2024 12:04:05 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Taylor Raack	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members, my name is Taylor Raack and I live in Honolulu. I'm writing in strong support of HB2808.

The Hawaii Marriage Equality Act of 2013 codified in Hawaii law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. The Hawai'i State Constitution should reflect the best of Hawaii's values. Please support HB 2808. Mahalo for your time and consideration.

HB-2802

Submitted on: 2/17/2024 12:34:43 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Barbara J. Service	Individual	Support	Written Testimony Only

Comments:

Aloha Rep Tarnas and committee members.

I am a constituent of Senate District 9 and House District 19 and I urge your support of HB2802.

This bill proposes an amendment to the state constitution to remove the legislature's authority to restrict marriage to opposite-sex couples. Hawaii's spirit of Aloha makes us who we are. We welcome everyone.

Mahalo for allowing me to testify.

Barbara J. Service MSW

Child Welfare Services (ret.)

Kupuna Advocate

Bar

HB-2802

Submitted on: 2/17/2024 12:40:50 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Christine C Andrews	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members,

My name is Christine Andrews and I live in Makawao, Maui. I recently became aware of wording in Article 1, Section 23 of our State constitution that allows the Legislature to restrict marriage to opposite sex couples. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove that authority.

The Hawai'i Marriage Equality Act of 2013 codified in Hawaii law the right to marry for LGBTQ couples. It is time to solidify that right in the Hawai'i State Constitution to ensure that people have the freedom to marry the person they love, regardless of Supreme Court decisions or national trends against LGBTQ rights. Hawaii's State Constitution should reflect the best of Hawaii's values.

Please support HB 2808.

Mahalo for your time and consideration.

Christine C Andrews

HB-2802

Submitted on: 2/17/2024 12:44:10 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Barbara Best	Individual	Support	Written Testimony Only

Comments:

This would be a backward step in equality for our state. People should have the right to marry the person they love. Mahalo

HB-2802

Submitted on: 2/17/2024 12:50:04 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Roman Leverenz	Individual	Support	Written Testimony Only

Comments:

It is past time that our state caught up with its liberal heritage on this gay (human rights) issue. Hawaii was in the forefront of the gay rights issue decades ago. Now we are in a position of playing catch-up, But it is way better to be late than never. This bill has my full support. At bottom it is a basic human rights issue. People have the right to be who are they are without shame and withour stigma.

HB-2802

Submitted on: 2/17/2024 12:50:10 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Karma Lekshe Tsomo	Individual	Support	Written Testimony Only

Comments:

The Hawai'i Marriage Equality Act of 2013 codified in Hawaii law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples.

The Hawai'i State Constitution should reflect the best of Hawaii's values, please support HB 2808. Mahalo for your time and consideration.

Thank you for putting forth your best efforts to ensure that the rights of all families and individuals are protected.

HB-2802

Submitted on: 2/17/2024 12:51:55 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Barbara L Franklin	Individual	Support	Written Testimony Only

Comments:

I support SB2802 and I urge you to vote to remove a potential loophole in our state constitution that our U.S. Supreme Court could determine to forever bar same sex couple from marriage. This was a hard fought issue once; let's preserve our Hawaii values to allow same sex couples to be married under Hawaii laws and have the same rights as other couples.

HB-2802

Submitted on: 2/17/2024 12:56:50 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Terence Travis	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members, my name is Terence Travis and I live in Ewa Beach. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples.

The Hawai'i Marriage Equality Act of 2013 codified in Hawaii law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples.

The Hawai'i State Constitution should reflect the best of Hawaii's values, please support HB 2808. Mahalo for your time and consideration.

I testified FOR the Hawai'i Marriage Equality Act of 2013 and also testified FOR a similar law which was Pocket Vetoed by former governor Linda Lingle.

Since the current law has been in force, I see NO ADVERSE effects on the culture and life in Hawaii. Instead, only POSITIVE effects have happened.

HB-2802

Submitted on: 2/17/2024 1:05:55 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Stephanie Austin	Individual	Support	Written Testimony Only

Comments:

Please support this important bill!

HB-2802

Submitted on: 2/17/2024 1:14:36 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Doris Segal Matsunaga	Individual	Support	Written Testimony Only

Comments:

Aloha,

As a mother, grandmother, and Neighbor Island resident, I support HB2802

Doris

HB-2802

Submitted on: 2/17/2024 1:28:24 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Martha Nakajima	Individual	Support	Written Testimony Only

Comments:

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

HB-2802

Submitted on: 2/17/2024 1:36:34 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Doug Rice	Individual	Support	Written Testimony Only

Comments:

Same sex marriage is well established in Hawaii and elsewhere. Hawaii should not have this outdated loophole in our Constitution to only allow marriage between opposite sex partners.

February 17, 2024

Aloha mai kākou,

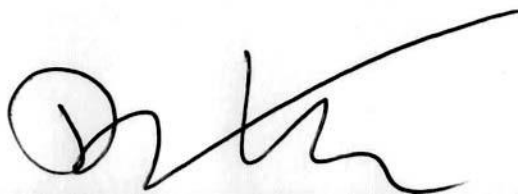
I am writing in strong support of HB2802. It is important both to protect the civil rights of individuals such as myself who are fortunate to be in a loving same-sex relationship, and collectively to continue Hawaii's long history as a diverse and inclusive society.

As a person who had to travel out of my own country to be married in 2004, and who could not share their federal employee benefits with their spouse until 2013, it would be extraordinarily painful to lose the fundamental dignity and respect conferred by marriage due to a flaw in our state constitution. It might seem unlikely that Hawai'i would ever put Section 23 into effect, but as we have learned over the past 8 years, **you never can tell**. Remember, in 1963, our legislature and governor passed an "Intent to Deceive" act that required mahu showgirls to wear an "I Am a Boy Button."

From the Kanaka embrace of same-sex intimacy and gender duality to the LGBTQ nurses and physicians who fought HIV/AIDS with evidence-based public health campaigns, from the brave mahu plantation workers who refused to hide their identity in the early 1900s to the advocates and jurists who rocked the world by demanding marriage equality in a world that had yet to imagine it – these are just a sampling of the extraordinary stories that have made Hawaii a place of true aloha: love, honor, and respect for all.

Let's make sure that tradition continues.

Mahalo nui for your consideration,

A handwritten signature in black ink, appearing to be 'D Hamer', written over a light blue circular stamp.

Dean Hamer, PhD
Haleiwa, Hawai'i
Director, Qwaves Kanaka Pakipika

HB-2802

Submitted on: 2/17/2024 2:52:49 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Younghee Overly	Individual	Support	Written Testimony Only

Comments:

I support HB2802 to remove "The legislature shall have the power to reserve marriage to opposite-sex couples" from Hawaii's Constitution to provide additional protection to Hawaii's legal same sex marriage in these difficult political times. While at it, I suggest we also protect interracial marriage as HB2080 proposes. Thank you for this opportunity to submit this testimony.

HB-2802

Submitted on: 2/17/2024 3:12:39 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Malia Marquez	Individual	Support	Written Testimony Only

Comments:

I support EQUALITY on every level. I strongly support HB2802.

Mahalo

Malia Marquez

HB-2802

Submitted on: 2/17/2024 4:44:22 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
CHESTER LUM	Individual	Oppose	Written Testimony Only

Comments:

Thank you for allowing me to submit testimony opposing this bill.

Article 1 Section 23 should remain in the Hawaii State Constitution.

HB2802 should be tabled.

Once again, thank you for allowing me to submit testimony opposing this bill.

Chester Lum

HB-2802

Submitted on: 2/17/2024 4:44:30 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Joyce Brown	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members, my name is Joyce M. Brown and I live in Honolulu. I am writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples.

Hawaii has a strong LGBTQ ohana and they should be protected by providing guarantees that The Hawai'i Marriage Equality Act of 2013 [HMEA] will not be undone by future Legislatures. The law as originally written provided in Section 23 that a different Legislature could undo the progress made in HMEA.

I am concerned given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges that such a movement could arise here in Hawaii. Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples.

Joyce M. Brown

HB-2802

Submitted on: 2/17/2024 5:16:00 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lehua Alapai	Individual	Support	Written Testimony Only

Comments:

Aloha nui kakou e Chair Tarnas and JHA Committee Members,

My name is Lehua Alapai and I live in North Kona, Kalaoa, Hawaii Island. I strongly support HB2808 which removes the legislature's authority to limit marriage to opposite-sex couples.

The Hawaii Marriage Equality Act of 2013 codifies LGBTQ rights to marry, but the remaining Section 23 could allow the Legislature to undo that and given the trends against our community nationwide, please take this proactive step in defending your community's right to marriage.

Our constitution should reflect the best of Hawaii and our values. Mahalo nui for your consideration and work on this,

Lehua Alapai

HB-2802

Submitted on: 2/17/2024 5:38:09 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Erika	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members, my name is Erika and I live in Kailua Kona. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples.

The Hawai'i Marriage Equality Act of 2013 codified in Hawaii law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples.

The Hawai'i State Constitution should reflect the best of Hawaii's values, please support HB 2808. Mahalo for your time and consideration

HB-2802

Submitted on: 2/17/2024 7:02:33 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
John NAYLOR	Individual	Support	Written Testimony Only

Comments:

Aloha,

It's time!

JN Makawao

HB-2802

Submitted on: 2/17/2024 7:07:29 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Patti Cook	Individual	Support	Written Testimony Only

Comments:

Aloha House Judiciary and Hawaiian Affairs Chair, Vice Chair and Members:

Please support and expedite passage of HB2808 to enable a proposed Constitutional Amendment be included in 2024 election ballot for the people of Hawai'i to ratify removal of language that contradicts the Hawaii Marriage Equality Act of 2013 that codified in Hawai'i law the right for LGBTQ couples to marry.

Given the US Supreme Court's alarming intervention in major equity issues including roll-back of abortion protections, thereby undermining women's healthcare access and rights – despite nationwide public support for abortion and women's healthcare, and other efforts to limit/marginalize the right to marry those we love, this bill is urgently needed to confirm and reinforce the values of Hawai'i citizens.

The people of Hawai'i have repeatedly ratified their inclusive respectful thinking and values when it comes to human relationships, and HB2808 would prevent marginalizing or overturning long-standing cultural values and rights.

Mahalo for courageously doing what's right for the people of Hawai'i.

Patti Cook – D8 – Kamuela, HI 96743

HB-2802

Submitted on: 2/17/2024 7:18:22 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Allan Wang	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members,

My name is Allan Wang and I live in Holualoa and Honolulu. I am a pediatric allergist/immunologist and Kona coffee farmer. My late husband was Professor Tom Humphreys, II.

I'm writing in strong support of HB2802, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples.

The Hawai'i Marriage Equality Act of 2013 codified in Hawaii law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples.

The Hawai'i State Constitution should reflect the best of Hawaii's values, please support HB 2802.

Mahalo for your time and consideration.

Allan Wang, MD, PhD

HB-2802

Submitted on: 2/17/2024 7:38:33 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dave Kisor	Individual	Support	Written Testimony Only

Comments:

Having been through a divorce, from my perspective marriage isn't all it's cracked up to be. I've forgotten which movie, but one character said he knew a lot of perfectly good relationships destroyed by marriage. It's nothing more than a legal contract, tenuously connected to a deity who if they actually exist may not even consider such a farce worth their trouble. I'm owned by six cats who must be reminded to go easy on me, as I'm only human.

HB-2802

Submitted on: 2/17/2024 8:59:21 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
JOHN L PANG	Individual	Oppose	Written Testimony Only

Comments:

As written, safeguards are not included to prevent inadvertent (or advertent) misuse or errors & abuse of the processes. Definitions, safeguards, etc. are not included. Laws that promote & safeguard respect for all would be more beneficial.

If the focus of bills is to improve our communities & quality of life, passage of this bill will further divide the community, elevate the desires of adults over the long-term benefits to our children & society, create opportunities for abuse of the system, & cause litigation opportunities. Please do not change our foundations unless it will truly benefit the majority. Stop making short-sighted laws for the money. Please vote NO.

HB-2802

Submitted on: 2/17/2024 8:34:09 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Greg Puppione	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members, my name is Greg and I live in Honolulu. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples.

The Hawai'i Marriage Equality Act of 2013 codified in Hawaii law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples.

The Hawai'i State Constitution should reflect the best of Hawaii's values, please support HB 2808. Mahalo for your time and consideration.

HB-2802

Submitted on: 2/17/2024 9:24:45 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
B.A. McClintock	Individual	Support	Written Testimony Only

Comments:

I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples.

The Hawai'i Marriage Equality Act of 2013 codified in Hawaii law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples.

The Hawai'i State Constitution should reflect the best of Hawaii's values, please support HB 2808. Mahalo for your time and consideration.

HB-2802

Submitted on: 2/17/2024 9:33:16 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Robin Wurtzel	Individual	Support	Written Testimony Only

Comments:

TESTIMONY IN SUPPORT OF H.B. 2802

To: Chair Tarnas and Vice Chair Takayama and Members of the Committee on Judiciary and Hawaiian Affairs

From: Robin Wurtzel

I am writing, as an individual, in strong support of H.B. 2802. The bill proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples.

Currently Section 23 of the Hawai'i Constitution allows the legislature to limit marriage to opposite sex or gender couples. Section 23 was added to the Hawai'i constitution in 1998 (*see* H.B. 117, L 1997) and is an infringement on the rights and freedom of individuals based on their sexual orientation or gender identity, and is an embarrassment for our State that should be corrected. This measure would allow the issue of repeal to be put on the ballot, and rectify a wrong. As a section of the constitution intended to deny rights to a group, rather than grant rights as most sections of our constitution do, Section 23 should be repealed.

Marriage is a right that should be extended to all. Our constitution currently limits that right, despite case law to the contrary, and I urge you to pass this measure so that the repeal of this section of the constitution can be put to a vote.

As the U.S. Supreme Court grows increasingly conservative, it is important to repeal this repressive section of the State constitution, and guarantee marriage for all.

I hereby submit testimony in support of H.B. 2802.

HB-2802

Submitted on: 2/18/2024 7:46:35 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Genesis Leong	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members,

My name is Genesis Leong and I live in Honolulu. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples. The Hawai'i Marriage Equality Act of 2013 codified in Hawai'i law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples. The Hawai'i State Constitution should reflect the best of Hawaii's values. Please support HB2808.

Mahalo for your time and consideration.

HB-2802

Submitted on: 2/18/2024 7:49:14 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nedra Chung	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members, my name is Nedra Chung and I live in Honolulu. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples.

I couldn't have said this better:

The Hawai'i Marriage Equality Act of 2013 codified in Hawaii law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples.

The Hawai'i State Constitution should reflect the best of Hawaii's values, please support HB 2808. Mahalo for your time and consideration.

Nedra Chung

Justin F. Kollar, Esq.
Hawaii Bar #8894
Oakland, CA 94601

Chair Tarnas, Vice Chair Takayama, and members of the Judiciary and Hawaiian Affairs Committee,

I submit this testimony in support of HB 2802, 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 designed and 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. It also stands in stark opposition 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.

I had the privilege of serving as the elected Prosecuting Attorney for the County of Kauai from 2012 until late 2021. Before that, I served as a Deputy County Attorney, and as a Deputy Prosecutor on Kauai. In all my time working in law enforcement on the Garden Island, a time I will cherish for the rest of my life, I came to believe that the strength of our community arose from its families. Kauai's families would not be so strong if its people were not free to form family units with the people they love.

I also had the good fortune to serve as Law Clerk to Judge Daniel Foley of Hawaii's Intermediate Court of Appeals from 2006-2008. One of the primary reasons I was elated when Judge Foley offered me my clerkship in 2005 was because I knew he was plaintiff's counsel in Baehr v. Lewin, a case with which you are all surely familiar. He was on the right side of history, just as you all have the chance to be on the right side of history by helping to rid Hawaii's Constitution of this dark stain.

Before I came to Hawaii I worked first as a paralegal and then as an attorney in the City of Boston's legal department. I was in my office at Boston City Hall on May 17, 2004, two months before I took my first bar exam, when the Massachusetts Supreme Judicial Court issued its decision in Goodridge v. Department of Public Health, which legalized same-sex marriage in the Commonwealth of Massachusetts. I was proud to help (in a supporting role) the City's legal team fight back the many last-minute challenges to the ruling and it was one of the most special days in my life to be at City Hall on that day when the first same-sex marriage licenses were issued by the City Clerk. I will never forget the joy, the relief, and the satisfaction that came from seeing first hand how the long arc of the universe sometimes does indeed bend towards justice.

In looking back at the sordid history of how Section 23 became a part of Hawaii's Constitution, it is clear that it embodied the worst and most craven impulses of our politics. The Hawaii legislature took significant steps toward addressing it in 2013 when Hawaii finally enacted a law allowing same-sex couples to marry within the state. You all have the opportunity to help finish that admirable start and finally remedy that shameful remnant of the past by giving Hawaii's voters the opportunity to vote once more - this time to vote FOR civil rights.

Please pass HB 2802

Respectfully submitted,
Justin F. Kollar

HB-2802

Submitted on: 2/18/2024 8:00:24 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Richard Knocton	Individual	Support	Written Testimony Only

Comments:

I SUPPORT HB2802 AND MARRIAGE EQUALITY FOR EVERYONE.

aloha, Richard

HB-2802

Submitted on: 2/18/2024 8:02:10 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jennifer Cabjuan	Individual	Oppose	Written Testimony Only

Comments:

Oppose changing constitution for this subject

HB-2802

Submitted on: 2/18/2024 8:40:30 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Danica Rosengren	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members, my name is Danica Rosengren and I live in Kalihi Valley. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples. This is an antiquated portion of Article 1 Section 23 that must be amended.

The Hawai'i Marriage Equality Act of 2013 codified in Hawaii law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples.

The Hawai'i State Constitution should reflect the best of Hawaii's values, please support HB 2808. Mahalo for your time and consideration.

HB-2802

Submitted on: 2/18/2024 9:29:01 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lynn Robinson-Onderko	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Committee Members,

My name is Lynn Robinson (Ewa Beach) and I am writing in strong support of **HB2802**. Amending the Constitution to remove the legislature's authority to limit marriage to opposite-sex couples is long overdue.

Mahalo for your time and consideration.

HB-2802

Submitted on: 2/18/2024 9:40:46 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Siobhan Coad	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members, my name is Siobhan Coad and I live in Honolulu. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples.

The Hawai'i Marriage Equality Act of 2013 codified in Hawaii law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples.

The Hawai'i State Constitution should reflect the best of Hawaii's values, please support HB 2808. Mahalo for your time and consideration.

Siobhan Coad, MSW

HB-2802

Submitted on: 2/18/2024 10:01:11 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Hope DeMarco	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members, my name is Hope DeMarco and I live in Kapaa, Kauai. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples.

The Hawai'i Marriage Equality Act of 2013 codified in Hawaii law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples.

The Hawai'i State Constitution should reflect the best of Hawaii's values, please support HB 2808. Mahalo for your time and consideration.

With your help, we can right this wrong and ensure people have the freedom to marry the person they love.

HB-2802

Submitted on: 2/18/2024 10:26:49 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ilima Greig-Hong	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members,

*My name is Ilima Greig-Hong and I live in Lahaina. I'm writing in **strong support of HB2808**, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples.*

This amendment is about affirming the diversity of families in Hawaii. Please remove this discrimination from the past.

Mahalo for your consideration.

HB-2802

Submitted on: 2/18/2024 11:55:11 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Daniel Chun	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members,

My name is Daniel Chun and I live in Honolulu. I'm writing in **strong support of HB2802**, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples. I have supported marriage equality for many years. I applaud the legislature for addressing the misteps of the past.

Mahalo for your consideration.

HB-2802

Submitted on: 2/18/2024 1:37:20 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Juvana Soliven	Individual	Support	Written Testimony Only

Comments:

I am writing in SUPPORT of the amendment that repeals Section 23 that reserves marriage for opposite sex couples.

Marriage is a union of love that should be extended to every consenting human adult, regardless of sexual orientation and gender identity. Marriage is a right.

HB-2802

Submitted on: 2/18/2024 2:27:27 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Carla Allison	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members, my name is Carla Allison and I live in Honolulu. I'm writing in strong support of HB2808 and ask that you support this bill proposing a constitutional amendment to remove our legislature's authority to limit marriage to opposite-sex couples.

It is imperative that we ensure marriage equality in Hawaii by eliminating the possibility that our Legislature could undo the progress we made in 2013 via Hawaii's Marriage Equality Act. With the trends we are seeing across our country, we need to protect marriage equality from a roll back like we've experienced in the U.S. Supreme Court's roll-back of abortion protection.

Please take the proactive step to defend the right to marry for LGBTQ couples. by supporting HB 2808.

Mahalo for your time and consideration.

HB-2802

Submitted on: 2/18/2024 3:44:36 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cindy R Ajimine	Individual	Oppose	Written Testimony Only

Comments:

Please vote NO. A constitutional amendment is NOT needed as the Marriage Equity Act is already in place. Laws that promote & safeguard respect for all would be more beneficial. If the focus of bills is to improve our communities & quality of life, passage of this bill will further divide the community, elevate the desires of adults over the long-term benefits to our children & society, create opportunities for abuse of the system, & possibly cause litigation opportunities. Please do not change our foundations unless it will truly benefit the majority. Stop making short-sighted laws for the money or votes. Please vote NO.

HB-2802

Submitted on: 2/18/2024 4:59:16 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lois Langham	Individual	Support	Written Testimony Only

Comments:

I support this bill. We ARE the ALOHA state.

HB-2802

Submitted on: 2/18/2024 7:06:54 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ciara Leinaala Kwock	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members, my name is Ciara Kwock and I live in Manoa. I'm writing in strong support of HB2802, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples.

The Hawai'i Marriage Equality Act of 2013 codified in Hawaii law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples.

The Hawai'i State Constitution should reflect the best of Hawaii's values, please support HB 2802. Mahalo for your time and consideration.

HB-2802

Submitted on: 2/18/2024 7:35:28 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Gilbert T Garcia	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members, our names are Gilbert T Garcia and Scott A Fultz and we live in Kailua. We are writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature’s authority to limit marriage to opposite-sex couples. We are Hawaii’s 2nd same-sex couple and first male couple to be married in Hawaii.

The Hawai’i Marriage Equality Act of 2013 codified in Hawaii law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court’s roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai’i must take proactive steps to defend the right to marry for LGBTQ couples.

The Hawai’i State Constitution should reflect the best of Hawaii’s values, please support HB 2808. Mahalo for your time and consideration.

HB-2802

Submitted on: 2/18/2024 8:13:57 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Erin Furuichi	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Takayama, and JHA Committee Members,

My name is Erin Furuichi and I live in Honolulu, Hawai'i. I am writing in strong support of HB2802, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples. The Hawai'i Marriage Equality Act of 2013 codified in Hawai'i law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i will do the right thing and take proactive steps to defend the right to marry for LGBTQ couples. The Hawai'i State Constitution should reflect the best of Hawai'i's values for all of its people. Please support HB2802.

Mahalo for your time and consideration.

HB-2802

Submitted on: 2/18/2024 9:22:18 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
sherry fisher	Individual	Support	Written Testimony Only

Comments:

I am in support of this bill that gives two consenting adults, regardless of gender, the right to marry and have the benefits of that union in the state of Hawaii. Mahalo

HB-2802

Submitted on: 2/19/2024 6:31:55 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
L Toriki	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill.

Our legislature has been changing laws that are not in line with Hawaii State Constitution.

While our elected officials have already passed same sex marriage and civil union law in previous sessions, these laws do not line up with Hawaii State Constitution.

It is way past time for our State to have a Constitutional Convention.

HB-2802

Submitted on: 2/19/2024 6:53:48 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Diana Van De Car	Individual	Support	Written Testimony Only

Comments:

Thank you for bringing this bill to hearing!

I strongly support this bill. How could we possibly leave this language in our state constitution now? Who doesn't know someone in a same sex marriage now? These are our friends, our family members, our co-workers, our neighbors - members of our community who have the same rights to enjoy their lives as any one of us. No catastrophe resulted when same sex marriage was legalized.

This change is needed. There is no room for this language in our state constitution. Please help correct this and pass this bill.

HB-2802

Submitted on: 2/19/2024 8:50:26 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nanea Lo	Individual	Support	Written Testimony Only

Comments:

Hello Chair Tarnas and JHA Committee Members, my name is Nanea Lo and I live in Mō‘ili‘ili in Honolulu, O‘ahu. I I’m writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature’s authority to limit marriage to opposite-sex couples.

The Hawai’i Marriage Equality Act of 2013 codified in Hawaii law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court’s roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai’i must take proactive steps to defend the right to marry for LGBTQ couples.

The Hawai’i State Constitution should reflect the best of Hawaii’s values, please support HB 2808.

me ke aloha ‘āina,

Nanea Lo

HB-2802

Submitted on: 2/19/2024 8:53:05 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ann Botticelli	Individual	Support	Written Testimony Only

Comments:

Mahalo for the opportunity to testify.

*I'm am in **strong support of HB2808**, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples.*

This would bring the Hawai'i State Constitution in line with the state law enacted more than 10 years ago giving same-sex couples to the rights to marry.

Ann Botticelli, Kailua

HB-2802

Submitted on: 2/19/2024 9:08:29 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nathan Leo Braulick	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members,

My name is Nathan Leo Braulick and I live in Honolulu. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples.

The Hawai'i Marriage Equality Act of 2013 codified in Hawai'i law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress.

Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples.

The Hawai'i State Constitution should reflect the best of Hawaii's values. Please support HB2808.

Mahalo for your time and consideration.

HB-2802

Submitted on: 2/19/2024 9:28:26 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Paige Kawakami	Individual	Support	Written Testimony Only

Comments:

To Chair Tarnas and JHA Committee Members,

My name is Ka'ohu, I live in Pālolo, O'ahu.

I'm writing to urge you to support HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples.

The Hawai'i Marriage Equality Act of 2013 codified in Hawaii law the right to marry for LGBTQ couples, **but the remaining Section 23 allows the Legislature to undo that progress.** Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples.

The Hawai'i State Constitution should reflect the best of Hawaii's values, please support HB 2808. Mahalo for your time and consideration.

Paige Ka'ohu Kawakami

Aloha Chair Tarnas and JHA Committee Members, my name is Janet Mercer and I live in Kihei. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples.

The Hawai'i Marriage Equality Act of 2013 codified in Hawaii law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples.

The Hawai'i State Constitution should reflect the best of Hawaii's values, please support HB 2808. Mahalo for your time and consideration.

HB-2802

Submitted on: 2/19/2024 9:59:05 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Vickie Grant Conmy	Individual	Support	Written Testimony Only

Comments:

I urge the legislature to vote yes in HB2802. Please support the marriages of our LGBTQ neighbors as other states have. Remove the previous language that gives the legislature the power to determine who can be married.

HB-2802

Submitted on: 2/19/2024 10:01:39 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Beth Anderson	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members,

I strongly support HB 2802, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples.

The Hawai'i Marriage Equality Act of 2013 codified in Hawaii law the right to marry for LGBTQ couples, but Section 23 remains and allows the Legislature to undo that progress. I want to ensure LGBTQ marriages within my own family and among others in Hawaii are protected in perpetuity. This is the right step to take in order to defend the right to marry for LGBTQ couples and protect marriages of LGBTQ couples that already exist in our state. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential overturning of Obergefell v Hodges, I believe Hawai'i must take proactive steps to defend LGBTQ rights.

The Hawai'i State Constitution should reflect Hawai'i's values of inclusivity, acceptance, diversity, and aloha. Your support of HB2802 will guarantee this.

Mahalo.

Respectfully submitted,

Beth Anderson

HB-2802

Submitted on: 2/19/2024 10:57:04 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
David Dunton	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members, my name is NAME and I live in Volcano. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples.

The Hawai'i Marriage Equality Act of 2013 codified in Hawaii law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ+ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ+ couples.

The Hawai'i State Constitution should reflect the best of Hawaii's values, please support HB 2808. Mahalo for your time and consideration.

HB-2802

Submitted on: 2/19/2024 11:25:48 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ann S Freed	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Takayama and members,

I support the LGTBQIA community in this legislation and agree with their testimony:

Our Hawaii State Constitution STILL has a provision that reads: "**Article 1, Section 23. The legislature shall have the power to reserve marriage to opposite sex couples.**" This language was added to our constitution in 1998. In the years since, the Hawaii legislature has made same sex marriage legal in Hawaii and the U.S. Supreme Court has done the same for same sex couples across the United States. Many of our friends, family members and co-workers are now in same sex marriages with love and dignity. It is time to remove this language from our State Constitution.

I can't believe we haven't addressed this already. Time to get with the 21st Century.

Mahalo,

Ann S. Freed, Freedom Advocate

Mililani

HB-2802

Submitted on: 2/19/2024 12:20:41 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
William CHEN	Individual	Support	Written Testimony Only

Comments:

Aloha JHA Committee Members,

My name is William CHEN and live in Honolulu.

I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples.

When Hawaii approved same sex marriage a few years ago, it affected many of my friends and loved ones' lives in the most positive manner and I see HB2808 as the logical next step in protecting marriage equality for everyone.

Mahalo for your time and consideration,

HB-2802

Submitted on: 2/19/2024 1:23:29 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jay Henderson	Individual	Support	Written Testimony Only

Comments:

*Aloha Chair Tarnas and JHA Committee Members, my name is Jay Henderson and I live in Honolulu/Ala Moana. I'm writing in strong support of **HB2802**, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples.*

The Hawai'i Marriage Equality Act of 2013 codified in Hawaii law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples.

*The Hawai'i State Constitution should reflect the best of Hawaii's values, please support **HB2802**. Mahalo for your time and consideration. Jay Henderson, Indivisible Hawaii*

HB-2802

Submitted on: 2/19/2024 2:03:39 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

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

Comments:

The law is a Man and a Women.. No other way should be allowed.

The people of Hawaii will Not Stand for any thing ELSE.

Remeber you work for the PEOPLE!!!!!!!!!!

HB-2802

Submitted on: 2/19/2024 2:21:13 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Katherine Yoo	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members,

My name is Katherine Yoo, and I live in Honolulu. I am writing in **strong support of HB2802**, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples.

This amendment strengthens families and affirms that Hawaii is not a place for discrimination.

Mahalo for your consideration,

Katherine Yoo

To: Hawaii State House Committee on Judiciary & Hawaiian Affairs

Hearing Date/Time: Tuesday February 21, 2024, 2:00pm

Place: Hawaii State Capitol, CR 325 & Videoconference

Re: Judith Ann Armstrong supports HB2802 Relating to Marriage

Dear Chair Rep. David A. Tarnas, Vice Chair Rep Gregg Takayama and members of the Committee on Judiciary & Hawaiian Affairs

I, Judith Ann Armstrong, strongly support sHB2802 Relating to Marriage, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples.

The Hawai'i Marriage Equality Act of 2013 codified in Hawaii law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples.

The Hawai'i State Constitution should reflect the best of Hawaii's values, please support HB 2808. Mahalo for your time and consideration.

With your help, we can right this wrong and ensure people have the freedom to marry the person they love.

Thank you for this opportunity to testify in support of HB2802.

Sincerely,

Judith Ann Armstrong

HB-2802

Submitted on: 2/19/2024 3:36:51 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
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+ Hawaii residents can feel safe knowing that the right to marry the person they love is not in jeopardy.

Thanks,

R.C.

Chair David Tarnas
Vice Chair Gregg Takayama

House Committee on Judiciary & Hawaiian Affairs

Wednesday, February 21, 2024
2:00 PM

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

Aloha Chair Tarnas, Vice Chair Takayama, Members of the House Committee on Judiciary & Hawaiian Affairs,

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

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 power 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 up 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 I, Section 23 from our constitution.

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

Mahalo for the opportunity to testify,

Jun Shin,

State House District 23 | State Senate District 12

Cell: 808-255-6663

Email: junshinbusiness729@gmail.com

HB-2802

Submitted on: 2/19/2024 4:23:55 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sunshine Eckstrom	Individual	Support	Written Testimony Only

Comments:

Any authority to limit marriage to the opposite sex should be removed. Unrelated, adult humans should be allowed to marry who they choose and that right should not be left vulnerable to the whims of the political or religious views of others.

HB-2802

Submitted on: 2/19/2024 4:51:29 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Maria Houar	Individual	Support	Written Testimony Only

Comments:

Sample Testimony

Aloha Chair Tarnas and JHA Committee Members,

My name is [NAME] and I live in [TOWN/CITY]. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples. The Hawai'i Marriage Equality Act of 2013 codified in Hawai'i law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples. The Hawai'i State Constitution should reflect the best of Hawaii's values. Please support HB2808.

Mahalo for your time and consideration.

Maria Houar

HB-2802

Submitted on: 2/19/2024 4:55:14 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Crystal Jones	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members,

My name is Crystal Jones and I live in Honolulu, Hawaii. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples. The Hawai'i Marriage Equality Act of 2013 codified in Hawai'i law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples. The Hawai'i State Constitution should reflect the best of Hawaii's values. Please support HB2808.

Mahalo for your time and consideration.

HB-2802

Submitted on: 2/19/2024 4:56:00 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Elisabeth Earley	Individual	Support	Written Testimony Only

Comments:

Dear Chair Tarnas and JHA Committee Members,

My name is Elisabeth Earley and I live in Waialua with my fiancée. We were unsure of registering our marriage in Hawai'i or in California, regarding which state would provide sufficient protections for our marriage. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples. Adoption of this bill would certainly affirm our choice in registering our marriage in Hawai'i. The Hawai'i Marriage Equality Act of 2013 codified in Hawai'i law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for all LGBTQ couples. The Hawai'i State Constitution should reflect the best of Hawaii's values. For the sake of my wife and myself, along with all other LGBTQ folk, please support HB2808.

Mahalo for your time and consideration.

HB-2802

Submitted on: 2/19/2024 4:58:52 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Anna-Marie Musico	Individual	Oppose	Written Testimony Only

Comments:

Please vote NO. As written, safeguards are not included to prevent inadvertent (or advertent) misuse or errors & abuse of the processes. Definitions, safeguards, etc. are not included. Laws that promote & safeguard respect for all would be more beneficial.

If the focus of bills is to improve our communities & quality of life, passage of this bill will further divide the community, elevate the desires of adults over the long-term benefits to our children & society, create opportunities for abuse of the system, & cause litigation opportunities. Please do not change our foundations unless it will truly benefit the majority. Stop making short-sighted laws for the money. Please vote NO.

HB-2802

Submitted on: 2/19/2024 4:59:28 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Craig Udy	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members,

My name is Craig Udy and I live in Honolulu. I'm writing in strong support of HB2802, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples. The Hawai'i Marriage Equality Act of 2013 codified in Hawai'i law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples. The Hawai'i State Constitution should reflect the best of Hawaii's values. Please support HB2808.

Mahalo for your time and consideration ~ Craig Udy

HB-2802

Submitted on: 2/19/2024 5:01:12 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
PAUL LACUESTA	Individual	Support	Written Testimony Only

Comments:

Aloha my name is Paul Lacuesta and I am from the Wahiawa district. I would like to submit testimony in strong support to HB2802.

HB-2802

Submitted on: 2/19/2024 5:44:38 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Carlye Pollack	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members,

My name is Carlye Pollack and I live in Kapolei with my wife. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples. The Hawai'i Marriage Equality Act of 2013 codified in Hawai'i law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples. The Hawai'i State Constitution should reflect the best of Hawaii's values. Please support HB2808.

Mahalo for your time and consideration.

HB-2802

Submitted on: 2/19/2024 5:56:54 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Teri Heede	Individual	Support	Written Testimony Only

Comments:

Just do it!

HB-2802

Submitted on: 2/19/2024 6:06:02 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Charissa Toyooka	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members,

My name is Charissa Toyooka and I live in Honolulu Hawaii. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples. The Hawai'i Marriage Equality Act of 2013 codified in Hawai'i law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples. The Hawai'i State Constitution should reflect the best of Hawaii's values. Please support HB2808.

Mahalo for your time and consideration.

Charissa Toyooka

HB-2802

Submitted on: 2/19/2024 6:07:01 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Rocco Vick	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members,

My name is Rocco Vick and I live in Kailua Kona. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples. The Hawai'i Marriage Equality Act of 2013 codified in Hawai'i law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples. The Hawai'i State Constitution should reflect the best of Hawaii's values. Please support HB2808.

HB-2802

Submitted on: 2/19/2024 6:15:27 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sophia Carmela cron	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members,

My name is Sophia Carmela Cron and I live in Honolulu. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples. The Hawai'i Marriage Equality Act of 2013 codified in Hawai'i law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples. The Hawai'i State Constitution should reflect the best of Hawaii's values. Please support HB2808.

Mahalo for your time and consideration.

HB-2802

Submitted on: 2/19/2024 6:40:02 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Patti Hawkins	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members, my name is Patti Hawkins and I live in Kihei, Hawaii. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples.

The Hawai'i Marriage Equality Act of 2013 codified in Hawaii law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples.

The Hawai'i State Constitution should reflect the best of Hawaii's values, please support HB 2808. Mahalo for your time and consideration.

HB-2802

Submitted on: 2/19/2024 6:51:31 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sydney Warren	Individual	Support	Written Testimony Only

Comments:

Testimony in Support of HB 2802

Name: Sydney Warren

Occupation: Graduate Student of Public Health at the University of Hawai'i at Manoa

Date: February 19, 2024

Aloha e Chair Tarnas and the Members of the House Committee on Judiciary & Hawaiian Affairs,

I am writing this testimony in strong support of HB 2802. Unfortunately, as a resident of Ewa Beach, I do not have a representative on your committee. I ask that you, the Honored Members of the House Committee on Judiciary & Hawaiian Affairs, give a voice to myself and the other constituents within our local communities that either lack representation on this matter or that have representatitives they politically disagree with.

As you know, the Hawai'i Marriage Equality Act of 2013 codified in Hawai'i law the right to marry for LGBTQ+ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given increasing number of national policies proposed against the LGBTQ+ community, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ+ couples.

As a graduate student studying public health, I have a different perception of the LGBTQ+ than most. In addition to this being a human rights issue, it is a health concern. The members of the LGBTQ+ community already experience significant health disparities compared to their cisgendered, heterosexual counterparts. When the rights and identities of the LGBTQ+ community are suppressed, as Section 23 would allow, this further exasperated those disparities and results in widespread physical and mental health deterioration throughout the

community. To risk the right of marriage being taken away from the LGBTQ+ community is to risk a substance abuse and suicide epidemic. Please take this into consideration when you are voting.

Mahalo nui.

HB-2802

Submitted on: 2/19/2024 6:55:05 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Wayne Akana	Individual	Support	Written Testimony Only

Comments:

February 19, 2024

TO: Aloha Rep. Tarnis, Chair, Rep. Takayama, Vice Chair and members of the House Judiciary and Hawaiian Affairs Committee.

FROM: Keola Akana

RE: House Bill 2802

Mahalo for hearing such an important Bill as HB 2802. My testimony is in support. HB2802 seeks to amend the Hawai`i State Constitution Article 1, Section 23, by removing the discriminatory language, "that the Legislature shall have the power to reserve marriage to opposite-sex couples". For several years Hawai`i has provided same-sex couples to marry. This amendment will bring the Hawai`i Constitution in alignment with what is legal and our State's marriage practice. My husband and I have been together for 18 years this coming March, 12 of those years married to each other. As citizens and tax paying residents of Hawai`i it is our hope that the Hawai`i laws, which intends to protect all of Hawai`i's citizens equally, will make this change to the Hawai`i State Constitution. Thank you.

HB-2802

Submitted on: 2/19/2024 7:00:43 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
cheryl burghardt	Individual	Support	Written Testimony Only

Comments:

Our hale SUPPORTS this bill PROPOSING AN AMENDMENT TO ARTICLE 1, SECTION 23, OF THE HAWAII CONSTITUTION RELATING TO MARRIAGE. Proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples.

We SUPPORT this bill because we believe it will provide greater protections for those people who choose to marry, all people. This is about equity for all and we believe the current climate of the US courts (see Dobbs) is at a turning point and it is important to fortify our constitution at this time.

Marriage in its earliest beginnings was a contract/consent between two families usually involving inheritances and properties. Governments wishing control of those things brought about licensure and later in places like the US, churches determined it was a good path to control those same things adding their " biblical"interpretation of marriage.

In addressing this proposed bill, HB2802, it is important to use a lens that focuses on a definition of marriage which states that marriage is "the state of being united as spouses in a consensual and contractual relationship recognized by law". Hawai`i has lead in understanding and paving an equitable path for all humans to enter into marriage. Having seen what happened with Dobbs and the current rhetoric coming from the US speaker of the house and others (as well as some Hawai`i legislators) we believe that it will not be long before more challenges will be coming to our place. We would be naive to not recognize and take action now.

We would like to add that a marriage contract between two people is just that. My neighbors contract, my friends or even ours is a binding agreement. It is not gender specific. Research and due diligence on the foundation of the marriage contract which is a secular one is important in understanding. If we let this moment in time to fortify our constitution pass, what next?

Again,I SUPPORT HB 2802

HB-2802

Submitted on: 2/19/2024 7:06:13 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lori Kizer	Individual	Support	Written Testimony Only

Comments:

Registering my strong support for this bill. Love is Love. Mahalo.

HB-2802

Submitted on: 2/19/2024 7:53:24 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
William Yeh	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members-

My name is Will Yeh and I live in Honolulu. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples. The Hawai'i Marriage Equality Act of 2013 codified in Hawai'i law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples. The Hawai'i State Constitution should reflect the best of Hawaii's values. Please support HB2808.

Mahalo for your time and consideration.

HB-2802

Submitted on: 2/19/2024 8:31:34 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Evan Wolfson	Individual	Support	Written Testimony Only

Comments:

TESTIMONY OF EVAN WOLFSON (by e-mail)

February 20, 2024

To the Chair and Members of the Judiciary and Hawaiian Affairs Committee –

Aloha.

I submit this testimony in support of HB 2802, PROPOSING AN AMENDMENT TO ARTICLE I, SECTION 23, OF THE HAWAII CONSTITUTION RELATING TO MARRIAGE. I strongly support this measure to give the people of Hawaii the opportunity to vote to remove discrimination from the state constitution.

During the 1990s, I served as co-counsel to the Honorable Daniel R. Foley in the historic *Baehr* litigation in which the Honorable Kevin Chang delivered the world’s first ruling in favor of same-sex couples’ freedom to marry. Subsequently, I founded and led Freedom to Marry, the successful campaign to win marriage for same-sex couples in the United States. I now lead a team under the banner of Freedom to Marry Global, advising and assisting efforts in other countries to end marriage discrimination, enact non-discrimination and decriminalization, and in general advance human rights and democratic engagement. Further biographical information can be found at <http://www.freedomtomarry.org/the-team/entry/Evan-Wolfson>.

Following a two-week trial in 1996 during which Judge Foley and I presented national and local expert witnesses and cross-examined those called by the state, and several rounds of briefing and argument by both sides, Judge Chang found that there is no sufficient reason for the state to exclude same-sex couples from civil marriage. The trial, findings of fact and law, and groundbreaking ruling here in Hawaii reverberated around the world – and have since been affirmed by the transformation of hearts and minds in this state and across the country, and numerous courts, including the United States Supreme Court. See *Obergefell v. Hodges*, 576 U.S. 644 (2015).

In 2013, of course, the Hawaii legislature enacted the freedom to marry here in the Aloha State. And in 2022, President Biden signed into law the Respect for Marriage Act, following a bipartisan vote of Congress that included support from many who, in the 1990s, had opposed the freedom to marry and voted for 1996’s invidious, so-called Defense of Marriage Act (which the

Respect for Marriage Act repealed and repudiated). More than 1.1 million gay and lesbian Americans have married – and more than 70 percent of Americans today have come to support the freedom to marry (including 55 percent of Republicans), up from 27% at the time of our Hawaii litigation in 1996.

Today, with this week’s passage of marriage legislation in Greece, same-sex couples can share in the freedom to marry in 37 countries around the world, including the US – proving, as the historic Hawaii litigation had foretold, that when marriage discrimination ends, families are helped, and no one hurt. See Wolfson, “20 Years of Marriage Equality: A Mountain of Evidence, Expertise, and Experience,” E.H.R.L.R., Issue 1 (2021).

Hawaii undoubtedly played a leading role in advancing this human rights cause in the United States and around the world. But, unfortunately, in the early stages of the debate, the legislature and voters (like the 1996 Congress) also were stampeded into a misstep through the passage of an anomalous constitutional amendment restricting, rather than granting or protecting rights, and targeting a minority of the state’s diverse peoples and families.

Fortunately, HB2802 will give the legislature and people another chance to get it right – drawing on the years of persuasion and reflection that have grown understanding and support here, across the country, and more and more around the world. The public’s awareness is now in a very different place than it was when they were forced to cast an early vote on what was, for many, a new and unfamiliar question. As the opponents of same-sex couples’ equality and love said then in promoting discrimination, it is time now to “Let the people vote.” The legislature should pass the curative measure and allow the citizens of Hawaii the chance to rectify the early error and show their true values in support of justice, pluralism, democracy, love, and aloha for all.

If I can be of further assistance, please feel free to contact me at evan@freedomtomarry.org.

Mahalo –

Evan Wolfson

HB-2802

Submitted on: 2/19/2024 8:46:59 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Christina Pagano	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members,

My name is Christina Pagano and I live in Kaimuki. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples. The Hawai'i Marriage Equality Act of 2013 codified in Hawai'i law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples. The Hawai'i State Constitution should reflect the best of Hawaii's values. Please support HB2808.

Mahalo for your time and consideration.

HB-2802

Submitted on: 2/19/2024 9:53:30 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Rick Ramirez	Individual	Support	Written Testimony Only

Comments:

In healthcare provisions, the ability to have a legally recognized spouse who can make medical decisions for you, help prepare for medical issues, or the right to live is based on the legal aspect of marriage that is provided as a fundamental right to everyone since its inception. Denying the right for any two individuals to marry can have long term financial, medical, and legal issues that could result in years long trauma for individuals seeking to get married to the person of their choosing. I support the measure to amend the language to allow all persons to marry in terms of merit, health, and financial stability and the fundamental right to exist in a relationship of their choosing.

HB-2802

Submitted on: 2/19/2024 10:03:56 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Olivia Moschell	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members,

My name Olivia and I live in Honolulu. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples. The Hawai'i Marriage Equality Act of 2013 codified in Hawai'i law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples. The Hawai'i State Constitution should reflect the best of Hawaii's values. Please support HB2808.

HB-2802

Submitted on: 2/19/2024 10:09:16 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Catherine Collado	Individual	Oppose	Written Testimony Only

Comments:

I am in OPPOSITION of HB2802 proposing an ammendment to Article 1, Section 23, of the Hawaii Constitution relating to marriage. It is required for the legislature as an authoritative body to uphold marriage to be between an man and a woman.

HB-2802

Submitted on: 2/19/2024 11:22:45 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Carol Kamai	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB2802. This measure is poorly written. I am concerned more than ever that words are not defined the way I am accustomed to therefore I oppose HB2802. Most simply because not enough substance has been provided to the constituents of Hawaii to make an educated call on this subject. What is seemingly acceptable to some may not be the majority and may not be aligned with my values as a follower of Jesus Christ.

If this measure has been set aside so be it and Praise God.

HB-2802

Submitted on: 2/19/2024 11:44:16 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lynn H. Higashi	Individual	Support	Written Testimony Only

Comments:

Dear Chair Tarnas and JHA Committee Members: My name is Lynn H. Higashi. I live in the neighborhood of Ahualoa, near Honokaa, on the Island of Hawaii. I am wholeheartedly in support of HB 2802.

Please take steps to see that our Hawaii State Constitution be amended to remove the power of the State legislature to limit marriage to opposite sex couples.

I have family members who are LBGTQ; I think most of us do. I am proud of our State's recognition these family members are entitled to the same happiness and fulfillment that opposite sex couples enjoy.

My LBGTQ family members' rights are currently protected by state laws, but their happiness should not be subject to legislative whims. The proposed Constitutional amendment would protect their rights. Please support HB 2802.

Thank you for your time and attention.

Aloha

Lynn H Higashi

HB-2802

Submitted on: 2/20/2024 3:29:47 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Alexandra Chou	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members,

My name is Alexandra Chou and I live in Kapolei. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples. The Hawai'i Marriage Equality Act of 2013 codified in Hawai'i law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples. The Hawai'i State Constitution should reflect the best of Hawaii's values. Please support HB2808.

Mahalo for your time and consideration.

HB-2802

Submitted on: 2/20/2024 5:03:31 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Thomas Bo Brady	Individual	Support	Written Testimony Only

Comments:

To Mr. David Tarnas and members of the Judiciary and Hawaiian Affairs Committee:

HB2802

February 21, 2024

Hawaii State Capito| 2:00pm

My name is Thomas Bo Brady and I am a Social Work student at UH Manoa. I consider myself an ally of the LGBTQIA+ community and would like to submit my testimony in support of HB2802.

Removing the phrase “opposite-sex couples” from the Constitution regarding those that the state reserves marriage rights for will go a long way in the civil rights battle in the queer community. Recent studies in 2023 that have been conducted for over 40 years has shown that same-sex families fare the same if not better than their opposite-sex family counterparts (BMJ Global Health 2023). The typical argument against same-sex marriage is that it is detrimental to the family system which is completely unfounded with research suggesting the opposite. The notion that Hawaii’s Constitution should limit the opportunity of marriage to opposite-sex couples only is archaic and harmful to our population. Removing barriers such as these move our state forward in the fight for simple civil rights.

I appreciate the legislature taking the time to review my testimony in support of HB2802 and hope to see the measure pass.

Cordially,

Thomas Bo Brady

District Reps: Lynne Decoite & Kyle T. Yamashita

HB-2802

Submitted on: 2/20/2024 6:21:28 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kevin Batungbacal	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members,

My name is Kevin Batungbacal and I live in Aina Haina. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples. The Hawai'i Marriage Equality Act of 2013 codified in Hawai'i law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples. The Hawai'i State Constitution should reflect the best of Hawaii's values. Please support HB2808.

Mahalo for your time and consideration.

HB-2802

Submitted on: 2/20/2024 6:41:05 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Charles	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members,

My name is Charles Keapuaolani Storey-Watson and I live in Waialua. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples. The Hawai'i Marriage Equality Act of 2013 codified in Hawai'i law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential overturning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples. The Hawai'i State Constitution should reflect the best of Hawaii's values. Please support HB2808.

Mahalo for your time and consideration.

HB-2802

Submitted on: 2/20/2024 7:22:19 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Shanda Lewis	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members,

My name is Shanda Lewis and I live in Waipahu, HI. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples. The Hawai'i Marriage Equality Act of 2013 codified in Hawai'i law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples. The Hawai'i State Constitution should reflect the best of Hawaii's values. Please support HB2808.

Mahalo for your time and consideration.

February 20, 2024

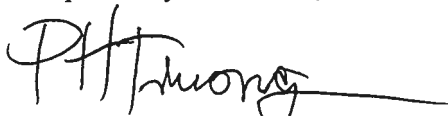
Dear Mr. Chairman and members of the Judiciary and Hawaiian Affairs Committee,

I am a former resident and state employee of Hawai'i. I submit this testimony in support of HB 2802, PROPOSING AN AMENDMENT TO ARTICLE I, SECTION 23, OF THE HAWAI'I CONSTITUTION RELATING TO MARRIAGE. Section 23, Article I of the Hawai'i State Constitution granting the legislature the authority to limit marriage to opposite-sex couples is not only barbarous, but also the antithesis to Hawai'i's rich ohana tradition. Hawai'i was at the forefront of marriage equality. It was the first state in the nation where a judge ruled in favor of same-sex couples being able to marry. Hawai'i must continue safeguarding the LGBTQ community by passing HB 2802.

The Hawai'i Marriage Equality Act of 2013 codified in Hawai'i law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples.

The Hawai'i State Constitution should reflect the best of Hawai'i's values, please support HB 2808. Mahalo for your time and consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "P. H. Truong", with a long horizontal flourish extending to the right.

Peter H. Truong, Esq.
New York, NY

HB-2802

Submitted on: 2/20/2024 8:13:14 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
lisa lee	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members,

My name is Lisa Lee and I live in Honolulu. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples. The Hawai'i Marriage Equality Act of 2013 codified in Hawai'i law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples. The Hawai'i State Constitution should reflect the best of Hawaii's values. Please support HB2808.

Mahalo for your time and consideration.

Lisa Lee

HB-2802

Submitted on: 2/20/2024 8:19:15 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Peter Wilson	Individual	Support	Written Testimony Only

Comments:

I am fully in support **HB2802 and Marriage Equality for Everyone!**

The Removal of Section 23 will reflect the fact that this is the 21st century and all love is important to the individual. Marriage is a right that is irrevocably enshrined in the Hawaiian constitution never to be denied to any individual.

Section 23 was approved over 25 years ago. Today, voters overwhelmingly support marriage equality. This measure fortifies Hawaii's position as a national leader in civic equality for sexual and gender minorities. For decades, Hawai'i laws have prohibited discrimination on the basis of sexual orientation in public accommodations, housing, employment, and jury service. In recent years legal protections have been extended on the basis of gender and gender identity. In 2022, Hawai'i established an LGBTQ+ Commission to "recommend legislative and administrative action on equal treatment and opportunities" for LGBTQ+ residents, among other functions.

Although Hawai'i codified the right for same-sex couples to marry in 2013, Section 23 still allows the Legislature to undo that progress. The Hawai'i Constitution should always reflect the best of Hawai'i's values. I fully support the removal of Section 23 and support **HB2802 and Marriage Equality for Everyone!**

HB-2802

Submitted on: 2/20/2024 8:20:07 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bo Breda	Individual	Support	Written Testimony Only

Comments:

I am fully in support **HB2802 and Marriage Equality for Everyone!**

The Removal of Section 23 will reflect the fact that this is the 21st century and all love is important to the individual. Marriage is a right that is irrevocably enshrined in the Hawaiian constitution never to be denied to any individual.

Section 23 was approved over 25 years ago. Today, voters overwhelmingly support marriage equality. This measure fortifies Hawaii's position as a national leader in civic equality for sexual and gender minorities. For decades, Hawai'i laws have prohibited discrimination on the basis of sexual orientation in public accommodations, housing, employment, and jury service. In recent years legal protections have been extended on the basis of gender and gender identity. In 2022, Hawai'i established an LGBTQ+ Commission to "recommend legislative and administrative action on equal treatment and opportunities" for LGBTQ+ residents, among other functions.

Although Hawai'i codified the right for same-sex couples to marry in 2013, Section 23 still allows the Legislature to undo that progress. The Hawai'i Constitution should always reflect the best of Hawai'i's values. I fully support the removal of Section 23 and support **HB2802 and Marriage Equality for Everyone!**

HB-2802

Submitted on: 2/20/2024 8:20:19 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
William Cunningham	Individual	Support	Written Testimony Only

Comments:

I support HB2802.

HB-2802

Submitted on: 2/20/2024 8:20:33 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lisa Martin	Individual	Support	Written Testimony Only

Comments:

Please recognize and support all the loving, healthy same-sex couples living in Hawaii. We are contributing to our wonderful home and want to be accepted and legally protected.

HB-2802

Submitted on: 2/20/2024 8:24:22 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sarah Delgadillo	Individual	Support	Written Testimony Only

Comments:

As a mother of a person who identifies as part of the LGBTQI community, I fully support equal rights for every person in Hawaii. This means I would like our Hawaii constitution to enshrine the right to marriage to same sex couples, Trans persons and opposite sex couples. I do not support the giving powers to the legislature to limit marriage to opposite sex couples only.

I support HB202.

Sarah Delgadillo

520 Lunalilo Home RD, Unit 248

Honolulu, HI 96825

HB-2802

Submitted on: 2/20/2024 8:25:03 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lory Ono	Individual	Support	Written Testimony Only

Comments:

I support this bill and believe that anyone who wishes to be married should be allowed to, regardless of gender.

HB-2802

Submitted on: 2/20/2024 8:30:53 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dwayne Takeno	Individual	Support	Written Testimony Only

Comments:

I support HB2802 to remove the Legislature's authority to define marriage to opposite sex couples. Section 23 of the Constitution is discriminatory and outdated. Love is love.

HB-2802

Submitted on: 2/20/2024 8:39:24 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Raul Oswalt-Sanchez	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members,

My name is Raul Oswalt-Sanchez and I live in Makiki/Honolulu. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples. The Hawai'i Marriage Equality Act of 2013 codified in Hawai'i law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress.

Section 23 was approved over 25 years ago. Today, voters overwhelmingly support marriage equality.

Although Hawai'i codified the right for same-sex couples to marry in 2013, Section 23 still allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential overturning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples. The Hawai'i State Constitution should always reflect the best of Hawaii's values. Please support HB2808.

Mahalo for your time and consideration.

Raul Oswalt-Sanchez

HB-2802

Submitted on: 2/20/2024 8:44:31 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jeannine Johnson	Individual	Support	Written Testimony Only

Comments:

I strongly support a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples. It is time to remove the discriminatory Section 23 from our State's Constitution. Mahalo for your support.

HB-2802

Submitted on: 2/20/2024 8:50:01 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

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

Comments:

Let's remove the last vestiges of homophobia & heterosexism knowing Section 23 was approved over 25 years ago so that today's voters are honoured in their support of marriage equality.

Although Hawai'i codified the right for same-sex couples to marry in 2013, Section 23 represents a prejudice that can still allows the Legislature to undo that progress - this is not the will of the people.

The Hawai'i Constitution - version NOW - should always reflect the best of Hawai'i's values. And marriage equality is a Hawai'i value.

HB-2802

Submitted on: 2/20/2024 8:57:45 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Valerie Wayne	Individual	Support	Written Testimony Only

Comments:

Thank you for considering this bill that ensures the continuance of marriage equality in Hawai'i. Residents of our state have benefitted from the codification of the right for same-sex couples to marry since 2013, but section 23 of the state constitution still retains discriminatory language regarding marriage. Please approve this constitutional amendment to remove the legislature's authority to limit marriage to a man and a woman so that our constitution reflects the will of the majority of Hawaii's residents and enables greater fairness in the choice of marriage partners. This is especially important in the event that the US Supreme Court may attempt to further limit those choices.

Respectfully,

Valerie Wayne, Professor Emerita, University of Hawai'i at Manoa

HB-2802

Submitted on: 2/20/2024 8:59:27 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

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

Comments:

Aloha Chair Tarnas and JHA Committee Members,

My name is Scott Sutherland and I live in Honolulu. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples. The Hawai'i Marriage Equality Act of 2013 codified in Hawai'i law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples. The Hawai'i State Constitution should reflect the best of Hawaii's values. Please support HB2808.

Mahalo for your time and consideration.

HB-2802

Submitted on: 2/20/2024 9:05:19 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kasey Nahlovsky	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am in support of HB2802 because it supports the equality of opportunity that all people deserve. HB2802 will affirm that I and my community are afforded the same rights as our peers. This amendment is important to our history and continued progress because it does not take anyone's personal freedoms away; it expands and protects equality. I am in support of freedom and equality and HB2802 ensures our society's devotion to those values.

Mahalo,

Kasey Nahlovsky

HB-2802

Submitted on: 2/20/2024 9:07:10 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ruby	Individual	Support	Written Testimony Only

Comments:

My name is Ruby Delgadillo, and I am a lesbian-identifying resident of Hawaii. I feel that article 23 does not and should not represent Hawai'i as a state, nor the values of many people in Hawai'i. Section 23 should be removed from the state constitution so that all residents of the state may be fully equal under the law. Thank you.

HB-2802

Submitted on: 2/20/2024 9:07:28 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

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

Comments:

Aloha Chair Tarnas and JHA Committee Members,

My name is Aaron Kalei Ruiz. I was born and raised here in Hawai‘i, and as an LGBTQIA+ and māhū individual who has lived with anti-LGBTQIA+ prejudice and discrimination, I’m writing in strong support of the proactive measures of HB2808, which proposes a constitutional amendment to remove the legislature’s authority to limit marriage to opposite-sex couples.

The Hawai‘i Marriage Equality Act of 2013 codified in Hawai‘i law the right to marry for LGBTQIA+ couples, but the remaining Section 23 leaves room the Legislature to undo that. Given national trends against the LGBTQIA+ community, I agree that Hawai‘i must take proactive steps to defend the right to marry for LGBTQIA+ couples.

A move like this is a move to protect our keiki. Research has shown that anti-LGBTQ+ legislative bills, which are currently sweeping across the US, have negative impact on LGBTQ+ youth. Prejudice and discrimination also lead LGBTQIA+ youth to consider or attempt suicide at higher rates, with a study showing that nearly half of LGBTQIA+ youth have considered suicide. Many people talk about how important it is to protect our children - our children who are LGBTQIA+ must be part of that concern and aloha.

Finally, I have been married to my wonderful husband for seven years now, though we have been in a committed relationship for almost 20 years. My husband has become an integral part of my family, even becoming a co-caretaker of my grandparents. Beyond gender, our relationship is just as loving and committed as any other committed relationship, and deserves equal right to be formally and legally recognized for years to come.

Please support HB2808.

Ke aloha nui,
Aaron Kalei Ruiz

HB-2802

Submitted on: 2/20/2024 9:12:59 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

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

Comments:

I Strongly Support this bill which will permit an Amendment to Section 23 of the Hawaii Constitution -- to codify Marriage Equality under the Hawaii Constitution, provided by The Hawaii Marriage Equality Act of 2013, passed by the Hawaii State Legislature as Senate Bill 1 (SB1) and signed by Governor Neil Abercrombie which legalized same-sex marriage in the U.S. state of Hawaii, as passed in 2012.

Sincerely,

Lee M. Yarbrough

HB-2802

Submitted on: 2/20/2024 9:17:02 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Loren Ng	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members,

My name is Loren Ng and I live in Honolulu. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples. The Hawai'i Marriage Equality Act of 2013 codified in Hawai'i law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples. The Hawai'i State Constitution should reflect the best of Hawaii's values. Please support HB2808.

Mahalo for your time and consideration.

Loren Ng

HB-2802

Submitted on: 2/20/2024 9:20:05 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Greg Waibel	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members,

My name is Greg Waibel and I live in Honolulu. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite sex couples. The Hawai'i Marriage Equality Act of 2013 codified in Hawai'i law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the hatred in our community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over turning of Obergefell v. Hodges, I know that Hawai'i must take action now to defend to defend the right to marry for LGBTQ couples. The Hawai'i State Constitution should reflect this. Please support HB2808.

Mahalo



KOBAYASHI SUGITA & GODA, LLP
Attorneys at Law

Bert T. Kobayashi, Jr.*
Alan M. Goda*

John R. Aube*
Charles W. Gall*
Neal T. Gota
Charles D. Hunter
Robert K. Ichikawa*
Christopher T. Kobayashi*
Jan M. L. Y. Kutsunai*
David M. Louie*
Nicholas R. Monlux
Jonathan S. Moore
Aaron R. Mun
Bruce A. Nakamura*

Kenneth M. Nakasone*
Harry Y. Oda
Gregory M. Sato*
Jesse W. Schiel*
Craig K. Shikuma*
Lex R. Smith*
Joseph A. Stewart*
Brian D. Tongg
David B. Tongg*
Caycie K. G. Wong

*A Law Corporation

Of Counsel:
Kenneth Y. Sugita*
Wendell H. Fuji*
Clifford K. Higa*
Burt T. Lau*
John F. Lezak*
Larry L. Myers*
David Y. Suzuki*

Andrew M. Carmody
Max A. Ching
Ying Gu
Austin H. Jim On
Stephen G. K. Kaneshiro
Travis Y. Kuwahara
Ryan D. Louie
Zachary K. Shikada
Timothy T. Silvester
Reece Y. Tanaka

February 20, 2024

HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS
Rep. David A. Tarnas, Chair, Rep. Gregg Takayama, Vice Chair

HEARING DATE: Wednesday, February 21, 2024
TIME: 2:00 PM
PLACE: Conference Room 325

Re: TESTIMONY IN STRONG SUPPORT OF HOUSE BILL NO. 2802

Dear Chair Tarnas, Vice Chair Takayama and Members:

I write as an individual in strong support of HB 2802. There are moments in our lives, in the lives of nations and states, when history is made and things change for the better. Hawai‘i had one of those moments in 2013. HB 2802 presents another of those moments for our State.

I am the former Attorney General of the State of Hawaii, having served under Governor Neil Abercrombie from 2011 through 2014. I had the privilege and honor of working with Governor Abercrombie and the legislature to pass the Hawai‘i Marriage Equality Act of 2013, which codified in Hawai‘i law the right to marry for LGBTQ couples.

HB 2802 proposes a constitutional amendment to remove the legislature’s authority to limit marriage to opposite-sex couples. The Hawai‘i Marriage Equality Act of 2013 codified in Hawai‘i law the right to marry for LGBTQ couples, but Section 23 of the Hawai‘i Constitution allows the legislature to undo that progress in the future.

HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

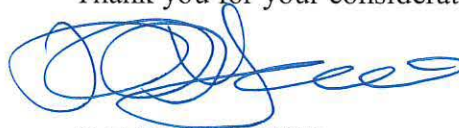
Rep. David A. Tarnas, Chair, Rep. Gregg Takayama, Vice Chair

February 20, 2024

Page 2

Today a large majority of Americans and people in Hawai'i agree that all people should have the right to be married and to live with the person they love, regardless of sexual orientation. Section 23 of the Hawai'i Constitution was passed decades ago as part of a national hysteria against marriage by LGBTQ couples. But that hysteria passed, and Section 23 is an unnecessary remnant of those days. It should be removed.

Thank you for your consideration

A handwritten signature in blue ink, appearing to read "David M. Louie", with a stylized flourish at the end.

DAVID M. LOUIE

for

KOBAYASHI SUGITA & GODA, LLP

HB-2802

Submitted on: 2/20/2024 9:30:54 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Carolyn A	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am in support of HB2802 because it supports the equality of marriage and expression that all people deserve. HB2802 will affirm that I and my community are afforded the same rights as our peers. This amendment is important to our history and continued progress because it does not take anyone's personal freedoms away; it expands and protects equality. I am in support of freedom and equality and HB2802 ensures our society's devotion to those values.

Mahalo

HB-2802

Submitted on: 2/20/2024 9:31:03 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

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

Comments:

Aloha,

I am in support of HB2802 because it supports the equality of marriage and expression that all people deserve. HB2802 will affirm that I and my community are afforded the same rights as our peers. This amendment is important to our history and continued progress because it does not take anyone's personal freedoms away; it expands and protects equality. I am in support of freedom and equality and HB2802 ensures our society's devotion to those values.

Mahalo,

HB-2802

Submitted on: 2/20/2024 9:33:00 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Laura Schauben	Individual	Support	Written Testimony Only

Comments:

Same sex marriage is Federally recognized and has support of the majority of the U.S. we cannot allow small number of people with loud mouths and hate dictate people's lives. Children with same sex parents and elders in same sex relationships will do better within the protections of marriage

February 20, 2024

Aloha Chair Tarnas, Judiciary and Hawaiian Affairs Committee Members,

My name is Jeff Esmond. I am married and have three children in public school in Kaneohe. I am writing in STRONG support of HB2808.

Although I am currently a Commissioner, and Chair of, the Hawaii State Commission on Fatherhood, I am submitting this testimony as an individual and on behalf of myself and my family, not on behalf of the Commission on Fatherhood.

In 1998, I voted against the constitutional amendment to provide the legislature the power to reserve marriage to opposite sex couples only. When it was time for my future husband and I to get married, we had to leave the State of Hawaii as marriage was not then equal for all Hawaii citizens. The continued existence of the Constitutional Amendment Relating to Marriage threatens my children's right to legally have their parents' marriage continue.

To paraphrase the Hawaii State Supreme Court's recent ruling on gun rights and their quote from "The Wire", "The thing about the old days, they the old days." In 2024, it is time for a new constitutional amendment to remove Section 23 from the current state constitution.

I am in STRONG support of HB2802.

Jeff Esmond

HB-2802

Submitted on: 2/20/2024 9:42:39 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Darin Simmer	Individual	Support	Written Testimony Only

Comments:

My name is Darin Simmer and I live in Honolulu. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples. The Hawai'i Marriage Equality Act of 2013 codified in Hawai'i law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, Hawai'i's government must take proactive steps to ensure the rights of LGBTQ couples. The Hawai'i State Constitution should reflect the best of Hawaii's values. Please support HB2808.

Mahalo for your time and consideration.

Darin Simmer

Honolulu, HI

HB-2802

Submitted on: 2/20/2024 10:02:35 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Georgia L Hoopes	Individual	Support	Written Testimony Only

Comments:

Aloha Legislators,

I strongly support SB2802 amending Section 23 of the Hawai‘i State Bill of Rights. The people of Hawai‘i need the opportunity to remove this discriminatory language in the 2024 election.

Mahalo,

Georgia Hoopes, Kalaheo

HB-2802

Submitted on: 2/20/2024 10:04:06 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Eric Keli'i Beyer	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members, my name is Eric Keli'i Beyer and I live in Volcano, Hawai'i island. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples.

The Hawai'i Marriage Equality Act of 2013 codified in Hawai'i law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples.

The Hawai'i State Constitution should reflect the best of Hawai'i's values, please support HB 2808. Mahalo for your time and consideration.

HB-2802

Submitted on: 2/20/2024 10:06:54 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

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

Comments:

I SUPPORT HB2802

Change the outdated discriminatory Section 23 added to Hawai'i's Constitution a generation ago. Remove the Hawai'i legislature's authority to limit marriage to opposite-sex couples. Let's make sure Hawai'i remains an inclusive and welcoming place for all loving couples.

HB-2802

Submitted on: 2/20/2024 10:15:01 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Haaheo Zablan	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members,

My name is Ha‘aheo Zablan and I live in Aina Haina. I’m writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature’s authority to limit marriage to opposite-sex couples. The Hawai‘i Marriage Equality Act of 2013 codified in Hawai‘i law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court’s roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai‘i must take proactive steps to defend the right to marry for LGBTQ couples. The Hawai‘i State Constitution should reflect the best of Hawaii’s values. Please support HB2808.

Mahalo for your time and consideration.

HB-2802

Submitted on: 2/20/2024 10:27:33 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lynette Honda	Individual	Oppose	Written Testimony Only

Comments:

Please vote NO. As written, safeguards are not included to prevent inadvertent (or advertent) misuse or errors & abuse of the processes. Definitions, safeguards, etc. are not included. Laws that promote & safeguard respect for all would be more beneficial.

If the focus of bills is to improve our communities & quality of life, passage of this bill will further divide the community, elevate the desires of adults over the long-term benefits to our children & society, create opportunities for abuse of the system, & cause litigation opportunities. Please do not change our foundations unless it will truly benefit the majority. Stop making short-sighted laws for the money. Please vote NO.

HB-2802

Submitted on: 2/20/2024 10:30:37 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sharde Freitas	Individual	Support	Written Testimony Only

Comments:

support

HB-2802

Submitted on: 2/20/2024 10:34:58 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Chris Frendreis	Individual	Support	Written Testimony Only

Comments:

My name is **Christopher Frendreis** and I live in **Honolulu**. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples. The Hawai'i Marriage Equality Act of 2013 codified in Hawai'i law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples. The Hawai'i State Constitution should reflect the best of Hawaii's values. Please support HB2808.

My husband and I were married in San Francisco in 2008, and I believe that our right to live in a committed, loving relationship, with all of the responsibilities and benefits of marriage, is inalienable and inseparable from our rights to personal freedom, and pursuit of happiness, as well as equal protections under the law.

Chris Frendreis



Testimony on House Bill No. 2808
RELATING TO MARRIAGE

Chair Tarnas and JHA Committee Members

Re: HB 2808 Proposing an Amendment to Article 1, Section 23, of the Hawai'i
Constitution Relating to Marriage

Aloha Chair Tarnas and JHA Committee Members,

My name is Savina Makalena, and I live in Honolulu, HI. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples. The Hawai'i Marriage Equality Act of 2013 codified in Hawai'i law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, as a member of the LGBTQIA community in a same sex marriage for the past 8 years, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples. The Hawai'i State Constitution should reflect the best of Hawaii's values. Please support HB2808.

Mahalo for the opportunity to testify!

Most sincerely,

Savina Makalena

Savina Makalena

Email savy.makalena@outlook.com

Cell (808)594-9801

HB-2802

Submitted on: 2/20/2024 10:53:36 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mario Nanguse	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members,

My name is Mario Nanguse and I live in Makakilo, Hawaii and I've been married with my husband for 10 years now. I'm writing in **STRONG SUPPORT** of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples. The Hawai'i Marriage Equality Act of 2013 codified in Hawai'i law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples. The Hawai'i State Constitution should reflect the best of Hawaii's values.

Please support HB2808.

Mahalo for your time and consideration.

-Mario Nanguse

HB-2802

Submitted on: 2/20/2024 10:54:08 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Alissa Nelson	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members,

My name is Alissa Nelson and I live in Honolulu. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples. The Hawai'i Marriage Equality Act of 2013 codified in Hawai'i law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples. As someone in a marriage currently protected under the Hawai'i Marriage Equality Act, this is a matter of survival for my spouse and me. We are grateful for your support and urge you to reflect the best of Hawaii's values in the state constitution. Please support HB2808.

Me ke aloha,

Alissa Nelson

HB-2802

Submitted on: 2/20/2024 10:55:03 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ken Capes	Individual	Support	Written Testimony Only

Comments:

Hi,

My name is Ken Capes. My husband's name is Mark. We have been married for 1 1/2 years and together for 6 1/2 years. Prior to that I was married to a woman for 15 years. I was a closeted gay man in a straight marriage because I hated who I truly was and denied it and suppressed it for years. I did this because of society's homophobia. My fear of homophobia led me down a deep, dark path of depression and frequent suicidal thoughts. It took a crazy process to get to where I'm at now, happy and in love with the love of my life. Why should anybody say that our love isn't good enough for marriage! This is my life partner and each other's loves of our lives! There are many consequences, legally, to NOT being able to marry one's life long love!

Please, I ask that you support HB2802 and recognize that gay people should be allowed to marry the love of their lives.

Aloha,

Ken Capes

HB-2802

Submitted on: 2/20/2024 10:57:57 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
William Coleman	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members,

My name is William Coleman and I live in Honolulu. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples. The Hawai'i Marriage Equality Act of 2013 codified in Hawai'i law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples. The Hawai'i State Constitution should reflect the best of Hawaii's values. Please support HB2808.

Mahalo for your time and consideration.

HB-2802

Submitted on: 2/20/2024 10:58:35 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lei Fisher	Individual	Support	Written Testimony Only

Comments:

I strongly support this, please PASS HB2802!

HB-2802

Submitted on: 2/20/2024 10:58:36 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Eduardo Hernandez	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice-Chair Takayama and Members of the House Committee on Judiciary and Hawaiian Affairs:

In the immortal words of Dr. Martin Luther King, Jr - "The arc of the moral universe is long but it bends toward justice." Those of us who have worked to champion equality in Hawaii over decades have taken these words to heart. We have demonstrated that fear and ignorance and discrimination have no place in our society.

All the words and superstitions of those who opposed marriage equality never amounted to anything. Our visitor base has grown, families have gotten stronger, and everyone has the right to practice their religion.

It is time to demonstrate that the Legislature no longer needs the power to re-define marriage. Sticking with equal is best. Let's make sure our Constitution reflects this cornerstone tenet.

Please support HB 2802.

Sincerely,

Eduardo Hernandez

Resident and Voter in House District 25 and Senate District 12

HB-2802

Submitted on: 2/20/2024 10:59:25 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Emily Sarasa	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and Committee Members,

My name is Emily Sarasa. I am a Richardson Law student living in Kaimuki. I **strongly support** HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples.

The Hawai'i Marriage Equality Act of 2013 codified in Hawaii law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given disturbing national trends of discrimination against the LGBTQ+ community and the U.S. Supreme Court's potential over-turning of Obergefell v. Hodges, Hawai'i must take proactive steps to defend the right to marry for LGBTQ+ couples.

Please **support HB 2808** so that Hawai'i can constitutionally guarantee this right to equality and equal treatment under the law. Mahalo for your time and consideration.

HB-2802

Submitted on: 2/20/2024 10:59:35 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Denny Bales MD	Individual	Support	Written Testimony Only

Comments:

After 50 years of national abortion rights were overturned, same sex marriage protections could also be at risk.

I support HB2802 which will protect marriage equality in Hawaii.

Denny Bales MD

HB-2802

Submitted on: 2/20/2024 11:10:29 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ken plonsky	Individual	Support	Written Testimony Only

Comments:

I strongly support this bill It is important step for equaltry and social justice

I was on the first board of Equality Hawaii which worked which worked for Marriage Equa;ity
passing this bill is very important for Hawaii

I live in Waikiki

thank you for your consideration

HB-2802

Submitted on: 2/20/2024 11:13:32 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Alan R. Spector	Individual	Support	Written Testimony Only

Comments:

I strongly support this bill. While appreciative of the Hawaii House and Senate's passage of marriage equality in 2013, it is still important to amend the Hawaii Constitution to remove discriminatory language that allows the legislature to restrict marriage to opposite-sex couples.

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February 21, 2024

The Honorable David A. Tarnas
Chair, House Committee on Judiciary & Hawaiian Affairs
Hawai'i State Capitol, Room 442
415 South Beretania Street
Honolulu, HI 96813

Re: SUPPORT of HB 2802 (Saiki)

Dear Chairman Tarnas:

I write in strong support of Speaker Saiki's House Bill (HB) 2802, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples.

Last year, the California Legislature, with bipartisan support, passed my Assembly Constitutional Amendment (ACA) 5, which would amend the California Constitution to protect the fundamental freedom to marry as part of existing rights to enjoy life and liberty, pursue happiness and privacy, and not be denied due process or equal protection. This proposal did not receive a single "No" vote in the legislature.

I am deeply concerned about the recent shifts in judicial precedent. If the Court was willing to overturn five decades of their precedent guaranteeing the right to abortion, then we cannot take for granted that they will uphold a decade of precedent protecting marriage equality in California — or five decades of precedent protecting the rights of interracial couples to marry. I believe California should always protect fundamental civil rights for all people and fight discrimination wherever it exists. ACA 5 reinforces this commitment by enshrining marriage equality in California's constitution for present and future generations.

For these reasons, I am proud to support Speaker Saiki's HB 2802 to protect the fundamental freedom to marry in Hawaii. If you have any questions, please feel free to contact me at (916) 319-2026.

Sincerely,

EVAN LOW
Assemblymember, 26th District

HB-2802

Submitted on: 2/20/2024 11:21:43 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kim Coco Iwamoto	Individual	Support	Written Testimony Only

Comments:

I testify in strong support of HB2802, that proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples.

The Hawaii Constitution contains two sections that explicitly prohibits the State from discriminating against people based on “sex”: Article I, Sections 3 and 5. The section at the center of this bill, Section 23, is defective by design and construction. Section 23 is null and void because the “may” discriminate **discretion** in Section 23 **can never override** the “shall” protect & enforce **directives** in Sections 3 and 5.

In order for Section 23 to be valid, Sections 3 and 5 would have had to first be amended to remove “sex” as a protected category; alternatively, Section 3 would have had to be amended to allow the legislature “to limit” provisions in Section 3. That did not happen; instead, the 1997 Legislature preserved the language in Section 3 that states, “The legislature **shall** have the power **to enforce**, by appropriate legislation, the provisions of this section.”

Targeted, unconstitutional discrimination on the basis of sex should never have been enshrined in the Hawaii Constitution in 1998. The state must repeal Section 23, not just because it is morally flawed, but because the originating ballot question given to voters in 1998 was procedurally erroneous and technically ineffective.

HB-2802

Submitted on: 2/20/2024 11:31:29 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jason Alcock	Individual	Support	Written Testimony Only

Comments:

Tuesday, February 20th 2024

Aloha Chair Tarnas and JHA Committee Members,

My name I Jason Alcock and I live in Honolulu. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples.

I strongly believe this amendment strengthens the families in Hawaii.

If you require any additional information, please do not hesitate to contact me.

Mahalo for your consideration.

Jason Alcock

700 Richards Street, Apartment 2009

HONOLULU HI 96813

Ph: 808 387 2812

HB-2802

Submitted on: 2/20/2024 11:33:10 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Avery Aetonu	Individual	Support	Written Testimony Only

Comments:

I strongly and whole heartedly support this bill.

Removing barriers for diversity and inclusion will only strengthen the community as a whole. Supporting the growth of one particular group does not lessen the consideration or beliefs of another. You do not need to agree with same sex marriage however taking away and/or limiting their rights jeopardizes for all marginalised groups that the greater majority does not agree with. We as people of Hawaii are already marginalised in representation for the global discussion so we should not practice segregating away from those that are not like the majority. We are a people of Aloha and should practice this in everything that we do. If we don't have Aloha for all couples that want to share the commitment of marriage, then we have failed.

HB-2802

Submitted on: 2/20/2024 11:39:04 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jamie Delgadillo	Individual	Support	Written Testimony Only

Comments:

I support marriage equality for all adult people, not a narrowly defined group, and do not believe the legislature has any right to limit the ability of any adult to marry another adult.

HB-2802

Submitted on: 2/20/2024 11:47:42 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kimberly Allen	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members,

My name is **Kimberly Allen** and I live in **Honolulu**. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples. The Hawai'i Marriage Equality Act of 2013 codified in Hawai'i law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples. The Hawai'i State Constitution should reflect the best of Hawaii's values. Please support HB2808.

Mahalo for your time and consideration.

Sincerely,

Kimberly Allen

HB-2802

Submitted on: 2/20/2024 11:50:57 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lisa Asagi	Individual	Support	Written Testimony Only

Comments:

My name is Lisa Asagi I am a resident of Kalihi. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples. The Hawai'i Marriage Equality Act of 2013 codified in Hawai'i law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe the citizens of Hawai'i must be vigilant in the protection of equal rights for all, including the right for LGBTQ couples to marry. The Hawai'i State Constitution should reflect the best of Hawaii's people and our respect for compassion as something we all value. Please support HB2808.

Mahalo for your consideration.

HB-2802

Submitted on: 2/20/2024 11:51:44 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jocelyn Leialoha M Doane	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair and Members of the Committe,

I strongly support HB2802 and I urge you to pass out this measure, which would propose a constitutional amendment to remove the discretion for the state to discriminate against same sex marriage.

It is beyond time for us to ensure that the Hawai'i State Constitution protects all couples and families. If the state is going to sanction any marriages and provide benefits to any married couples, it must do so free from discrimination, bigotry, and personal opinions. Let's ensure the government treats all our 'ohana with aloha and dignity today and always.

HB-2802

Submitted on: 2/20/2024 11:53:49 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jasper Bang	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members,

I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples. The Hawai'i Marriage Equality Act of 2013 codified in Hawai'i law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples. The Hawai'i State Constitution should reflect the best of Hawaii's values. Please support HB2808.

Mahalo for your time and consideration.

HB-2802

Submitted on: 2/20/2024 11:59:29 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Matt Matsunaga and Avery Chumbley	Individual	Support	Written Testimony Only

Comments:

We strongly support HB2802, which would amend the State Constitution to remove the legislature's authority to limit marriage to opposite-sex couples. In 1997, as Co-Chairs of the Senate Judiciary Committee, we guided the passage of the Constitutional Amendment that gave the legislature the authority to limit marriage to opposite-sex couples (the “1997 Amendment”), while simultaneously passing a reciprocal beneficiary bill that gave historic rights and benefits to non-traditional couples. The 1997 Amendment was passed with reluctance in the face of great public pressure to overrule a Hawaii Supreme Court case that gave same-sex couples the right to marry. We crafted the 1997 Amendment with the hope that public opinion would change, and the legislature would eventually permit same-sex couples to marry. Our hopes were realized in 2013 with the passage of the Hawaii Marriage Equality Act. Now that public opinion has evolved with no foreseeable regression in sight, there is no need for the 1997 Amendment. We therefore strongly support the repeal of the 1997 Amendment via the passage of HB2802.

Sincerely,
Avery B. Chumbley
Matthew M. Matsunaga
Co-Chairs of Senate Judiciary Committee (1997 – 2000)

HB-2802

Submitted on: 2/20/2024 12:05:19 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Morgan Evans	Individual	Support	Written Testimony Only

Comments:

I strongly support passage of HB 2802. This bill further recognizes the dignity inherent in all human beings and signals to the citizens of Hawai'i that their love and relationships will be respected.

HB-2802

Submitted on: 2/20/2024 12:05:58 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Keith Richmond	Individual	Support	Written Testimony Only

Comments:

I agree that the state constitution should be amended to remove the ability of the legislature to define marriage as being between opposite sex members. In other words, the legislature should be in no position to dictate the sex (gender) of people being married.

We need this possibility removed so that future legislatures, which may have members of such a mind, cannot remove the freedoms and rights of our citizens to join in marriage. Same sex marriage should be protected and harm no one. Any future attempts to ban same sex marriage are plainly religiously based, and harm or restrict the rights of our citizens and meddle in their personal lives and impose their religious beliefs on others. That should not be tolerated

HB-2802

Submitted on: 2/20/2024 12:11:39 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Maddalynn Seseapasara	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members,

My name is Maddalynn Seseapasara and I live in Waipahu, Oahu. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples. The Hawai'i Marriage Equality Act of 2013 codified in Hawai'i law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples. The Hawai'i State Constitution should reflect the best of Hawaii's values. Please support HB2808.

Mahalo for your time and consideration.

Maddalynn Seseapasara

HB-2802

Submitted on: 2/20/2024 12:18:51 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lea Hong	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members,

*My name is Lea Hong and I live in Manoa, O'ahu. I'm writing in my individual capacity in **strong support of HB2802**, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples. This amendment is about affirming the diversity of families in Hawaii. Please remove this discrimination from the past.*

Mahalo for your consideration.

Lea Hong

HB-2802

Submitted on: 2/20/2024 12:27:19 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jerry Ferguson	Individual	Support	Written Testimony Only

Comments:

I support HB2802

HB-2802

Submitted on: 2/20/2024 12:32:54 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Carol Philips	Individual	Support	Written Testimony Only

Comments:

Honorable Committee Members,

I am advocating for the amendment that would prevent the legislature from limiting marriage to opposite-sex couples. This change champions equality and acknowledges marriage as a fundamental right for all, irrespective of gender.

Restricting marriage rights based on gender discriminates against LGBTQ+ individuals and contradicts our shared values of fairness and dignity. Extending marriage to same-sex couples strengthens societal bonds and supports the well-being of all families.

Equality under the law is a cornerstone of our democracy, and this amendment is a stride towards realizing that ideal. I urge your support for this essential progression towards justice and equity.

Thank you for considering this vital matter.

Sincerely,

Carol Philips
Haleiwa

HB-2802

Submitted on: 2/20/2024 12:38:54 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
COLIN R HUNTER	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tamas and JHA Committee Members

My name is Colin R Hunter and I live in Honolulu. I am writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples. The Hawai'i Marriage Equality Act of 2013 codified in Hawai'i law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples. The Hawai'i State Constitution should reflect the best of Hawaii's values. Please SUPPORT HB2808.

Mahalo for your time and consideration.

To: Committee on Judiciary & Hawaiian Affairs

Hearing Date/Time: Tuesday, Feb. 21 2:00 PM

Re: Testimony in Support of HB 2802

From: Heather Lusk, Hawaii Health and Harm Reduction Center

Dear Chair Tarnas, Vice Chair Takayama 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

Submitted on: 2/20/2024 12:46:31 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mark Brasher	Individual	Support	Written Testimony Only

Comments:

I am writing in support of HB2802.

Hawai'i can take great pride in its support of equal rights when they are popular or unpopular. Sometimes legislatures are moved to discriminate in shameful ways, such as when the US Congress passed the Chinese Exclusion Act of 1882.

It is important that Hawaii's Constitution not have written into it an authorization for the legislature to discriminate against some couples at some future time when public pressure pushes for discrimination, as could be the case in Section 23 of our State Constitution.

Just like Congress defining non-Chinese as eligible to become US Citizens but that people from China may not become citizens is wrong, so too is it unjust for some future legislature to define marriage as possible for some couples but not for others--just because popular opinion discriminates against certain kinds of relationships.

Please vote for HB 2802 and uphold Hawai'i's admirable and long tradition of fighting FOR people's rights, not against them.

Mahalo nui loa,

Mark Brasher

HB-2802

Submitted on: 2/20/2024 12:47:00 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Layne J Boyer	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members,

*My name is Layne J Boyer and I live in Waipahu. I'm writing in **strong support of HB2802**, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples.*

This amendment is about affirming the diversity of families in Hawaii. Please remove this discrimination from the past.

Mahalo for your consideration.

HB-2802

Submitted on: 2/20/2024 12:57:57 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Hildie Schap-Gil	Individual	Support	Written Testimony Only

Comments:

My name is Hildie and I live in **Kula, Maui**. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples. The Hawai'i Marriage Equality Act of 2013 codified in Hawai'i law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples. The Hawai'i State Constitution should reflect the best of Hawaii's values. Please support HB2808.

HB-2802

Submitted on: 2/20/2024 12:59:29 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
James L Lawyer	Individual	Support	Written Testimony Only

Comments:

Chair Tamas and JHA Committee Members:

My name is James Lawyer and I live in Kalihi Kai in Honolulu. I'm writing in strong support of HB2802 which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples. I believe that Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples. Our Hawai'i State Constitution should reflect this and the best of Hawaii's values.

Please SUPPORT HB2802.

Thank you for your consideration and time.

HB-2802

Submitted on: 2/20/2024 1:04:52 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Brianna Hong	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members,

*My name is Brianna Hong and I live in Honolulu. I'm writing in **strong support of HB2802**, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples.*

This amendment is about affirming the diversity of families in Hawaii. Please remove this discrimination from the past. Thanks!

HB-2802

Submitted on: 2/20/2024 1:08:17 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lauren Sharkey	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members, my name is Lauren Sharkey and I live in Honolulu, Hawaii. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples.

The Hawai'i Marriage Equality Act of 2013 codified in Hawaii law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples.

The Hawai'i State Constitution should reflect the best of Hawaii's values, please support HB 2808. Mahalo for your time and consideration.

HB-2802

Submitted on: 2/20/2024 1:21:58 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kimberly Stephan Tate	Individual	Support	Written Testimony Only

Comments:

My wife and I were married in Hawaii in 2015 before we ever moved here. We moved from Tennessee in 2021. We specifically moved here because of how inclusive Hawaii is. Every year there's over 350 pieces of anti-LGBTQ legislation introduced across the country. And Tennessee there's at least 35 each legislative session. Discriminating and not protecting married, LGBTQ, people, or people who potentially want to get married, is not the aloha spirit. We employ you to support this.

HB-2802

Submitted on: 2/20/2024 1:49:49 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Renee Rabb	Individual	Support	Written Testimony Only

Comments:

Dear Chair Tarnas, Vice-Chair Takayama, and Members:

I appreciate the opportunity to testify in strong support of HB2802 by Speaker Saki, 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

Submitted on: 2/20/2024 1:46:37 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Beau Miller	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members,

My name is Beau Miller and I live in Honolulu, Hawaii. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples. The Hawai'i Marriage Equality Act of 2013 codified in Hawai'i law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples. The Hawai'i State Constitution should reflect the best of Hawaii's values. Please support HB2808.

Mahalo for your time and consideration.

HB-2802

Submitted on: 2/20/2024 1:52:57 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dr. Arlene Q. Allen	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members, my name is Dr Arlene Q. Allen and I live in Wailuku, Maui. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples.

The Hawai'i Marriage Equality Act of 2013 codified in Hawai'i law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples.

The Hawai'i State Constitution should reflect the best of Hawai'i's values, please support HB 2808. Mahalo for your time and consideration.

With your help, we can right this wrong and ensure people have the freedom to marry the person they love.

HB-2802

Submitted on: 2/20/2024 1:56:43 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Joseph Sterling	Individual	Support	Written Testimony Only

Comments:

My name is **Joseph Sterling** and I live in **Wailuku** I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples. The Hawai'i Marriage Equality Act of 2013 codified in Hawai'i law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples. The Hawai'i State Constitution should reflect the best of Hawai'i's values. Please support HB2808.

HB-2802

Submitted on: 2/20/2024 1:58:55 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Barbara Cigainero	Individual	Support	Written Testimony Only

Comments:

Dear Committee Chair and Members:

I am writing in support of HB2802 that would amend the state constitution to remove the legislative authority to reserve marriage to opposite-sex couples.

This July, my wife and I will celebrate 47 years as a committed couple. We were unable to form a legal marriage until 2008 and had to leave Texas in order to become married in another state. That meant that in some states our marriage was recognized but all benefits were denied to us because we lived in a state that did not recognize our marriage.

Let us not leave open any door that would lead to returning to the practice of denying same sex marriage.

Thank you for your consideration of my concern.

Barbara Cigainero, Keaau, HI

HB-2802

Submitted on: 2/20/2024 1:59:01 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Gail Abrena-Agas	Individual	Support	Written Testimony Only

Comments:

Chair Tarnas, Vice Chair Takayama and Members of the Committee:

I am writing in strong support of the proposed constitutional amendment in HB2802 that removes the legislature's authority to limit marriage to opposite-sex couples. I am "Mommy" in a two-mommy household raising two young children on O'ahu. Hawai'i is our forever home. The language currently reflected in Article 1, Section 23 of the state constitution is simply outdated, discriminatory and does not reflect my and many other 'ohana in Hawai'i. The change is long overdue.

Mahalo,

Gail Abrena-Agas

HB-2802

Submitted on: 2/20/2024 2:01:30 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Katharine Romanchuk	Individual	Support	Written Testimony Only

Comments:

My name is Katharine Romanchuk from Haiku, Maui. and I am in strong support of HB2802. We want to protect the rights of people to marry who are LGBTQ out of respect for ALL people of Hawaii including different sexual orientations. Voters overwhelmingly support same sex marriage and our legislation should reflect and support this. Thank you, Katharine Romanchuk

HB-2802

Submitted on: 2/20/2024 2:03:08 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Reni Soon	Individual	Support	Written Testimony Only

Comments:

1000000% support this bill!! The US supreme court has already signaled that marriage equality could be in jeopardy.

We must protect the rights of our citizens and those who call Hawai'i home, no matter what happens on the federal level.

HB-2802

Submitted on: 2/20/2024 2:05:55 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mika Hiroi	Individual	Support	Written Testimony Only

Comments:

Section 23 is outdated and discriminatory. Overwhelmingly, Hawaii's population. supports same sex marriage. We must take this action to protect the love and connection in our community.

HB-2802

Submitted on: 2/20/2024 2:09:33 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Samantha Farinella	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members,

My name is Samantha Farinella and I live in Honolulu, HI. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples. The Hawai'i Marriage Equality Act of 2013 codified in Hawai'i law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples. The Hawai'i State Constitution should reflect the best of Hawaii's values. Please support HB2808.

Mahalo for your time and consideration.

-Samantha

HB-2802

Submitted on: 2/20/2024 2:29:47 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sean-Joseph T.K. Choo	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members,

My name is Sean Choo and I live in Honolulu. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples. The Hawai'i Marriage Equality Act of 2013 codified in Hawaii law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples. The Hawai'i State Constitution should reflect the best of Hawaii's values, please support HB 2808.

Mahalo for your time and consideration,

Sean

HB-2802

Submitted on: 2/20/2024 2:46:03 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Betsy Scolnik	Individual	Support	Written Testimony Only

Comments:

Hawaii is aloha! how can we keep this language in our constitution. it must be changed!!

HB-2802

Submitted on: 2/20/2024 2:59:34 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Chelsea Rorer	Individual	Support	Written Testimony Only

Comments:

Honorable Members of the Legislature,

I am writing to express my strong support for House Bill HB2802, which seeks to repeal article 1, section 23, of the Constitution of the State of Hawaii. This vital legislation is a crucial step towards ensuring equality and justice for all citizens of Hawaii.

By removing the legislature's authority to reserve marriage exclusively for opposite-sex couples, HB2802 aligns with the principles of fairness, equality, and dignity for all individuals, regardless of sexual orientation or gender identity. Denying same-sex couples the right to marry not only perpetuates discrimination but also denies them access to fundamental rights and privileges enjoyed by other citizens.

Marriage is a fundamental human right, and every individual should have the freedom to marry the person they love, irrespective of gender. Denying same-sex couples the right to marry undermines the principles of equality and liberty upon which our society is built. Repealing article 1, section 23, of the Constitution of Hawaii is a crucial step towards rectifying this injustice and affirming the equal dignity of all individuals under the law.

Furthermore, repealing this discriminatory provision will bring Hawaii in line with the values of inclusivity and diversity that define our state. It sends a powerful message that Hawaii is a place where everyone is valued and respected, regardless of their sexual orientation or gender identity.

In conclusion, I urge you to support House Bill HB2802 and take a bold stand against discrimination by repealing article 1, section 23, of the Constitution of the State of Hawaii. Let us strive towards a future where all individuals are treated equally under the law and have the freedom to love and marry whom they choose. Thank you for your attention to this important matter.

Sincerely,

Chelsea Rorer

HB-2802

Submitted on: 2/20/2024 2:59:35 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

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

Comments:

SUPPORT

HB-2802

Submitted on: 2/20/2024 3:46:58 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jimzy Lui	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members,

My name is Jimzy Lui and I live in Ma'ili. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples. The Hawai'i Marriage Equality Act of 2013 codified in Hawai'i law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples. The Hawai'i State Constitution should reflect the best of Hawai'i's values.

I, personally, have never found love in my sixty years but that does not mean that anyone lucky enough to have found it should be subject to discrimination and/or denied the rights and priviledges of others in love relationships.

Please support HB2808 to let love win.

Mahalo for your time and consideration.

HB-2802

Submitted on: 2/20/2024 3:47:02 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Eileen Nelson	Individual	Support	Written Testimony Only

Comments:

Aloha,

I wish to testify in full Support of the proposed Bill 2802. Speaking as a mother whose wish is to protect both her children and treat them equally, it has become increasingly hard to afford them each the same opportunities, when one is queer and one is cisgender; more especially in todays uncertain climate when it seems there is more hate than love to go around. Hawaii was impressively the first State to recognize the fundamental right of gay couples to marry. It must be secured at all costs. Why risk losing this most valuable endoresement of two people to love each other. People are People, Love is Love. Mahalo

HB-2802

Submitted on: 2/20/2024 3:48:28 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Charles David fillmore	Individual	Oppose	Written Testimony Only

Comments:

I, Charles David Fillmore, a resident of Hawaii, residing at 225 Liliuokalani Avenue 4A, Honolulu Hawaii, do hereby submit my testimony and comments in opposition to HB2802 and the proposed amendment to Section 23 of the Hawaii constitution relating to marriage. Enough politicking and intrusion by the radical right wing of the Hawaii Republican party and their MAGA constituents to marginalize marriage equality in Hawaii by relagating gay people as second class citizens with respect to their marriage licenses.

HB-2802

Submitted on: 2/20/2024 3:54:31 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Angel M. Willey, MD	Individual	Support	Written Testimony Only

Comments:

Aloha,

I support this bill protecting marriage equality in Hawai'i.

Warm regards,

Angel Willey, MD

HB-2802

Submitted on: 2/20/2024 3:55:26 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Terri Yoshinaga	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill!

HB-2802

Submitted on: 2/20/2024 4:22:27 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ana Giliberti	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members,

My name is **Ana Giliberti** and I live in **Honolulu**. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples. The Hawai'i Marriage Equality Act of 2013 codified in Hawai'i law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples. The Hawai'i State Constitution should reflect the best of Hawaii's values. Please support HB2808.

Mahalo for your time and consideration.

HB-2802

Submitted on: 2/20/2024 4:25:00 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Matthew Taylor-Rennert	Individual	Support	Written Testimony Only

Comments:

Laws like this, protecting marriage equality are incredibly important and vital to the lives of so many lgbt+ people throughout Hawaii, the US, and with effects rippling our worldwide.

I am a husband and father to two amazing kids. When same sex marriage became legal nationwide several years back, it truly opened the flood gates for me, making marriage and starting a family more accepted and within reach.

Laws accepting me and my family echo within every aspect of our lives.

Anyone who is a parent knows that they just want their children to be and to feel safe. This law will help ensure that my children and countless others will feel safe knowing things like their parents marriage is treated like any other or knowing that when they grow up they will be free to marry whoever they choose.

HB-2802

Submitted on: 2/20/2024 4:43:57 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
René Meyer	Individual	Support	Written Testimony Only

Comments:

I am in favor of protecting marriage equality by supporting HB2802

HB-2802

Submitted on: 2/20/2024 5:00:40 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tara Norcross	Individual	Support	Written Testimony Only

Comments:

To Whom It May Concern,

I am writing to voice my support for the constitutional amendment that eliminates the legislature's authority to define marriage as only between opposite sex individuals. As a happily married member of the LGBTQ+ community, knowing that the constitution currently allows this legislative power to exist is terrifying. It sends the message that, should the legislature decide at its own whim, it can choose to negate the value of my marriage, a relationship that is most important to me. On a larger scale, it sends the message that LGBTQ+ individuals and their relationships are not safe here in Hawai'i. This amendment will show the LGBTQ+ community that the state of Hawai'i welcomes and will protect the rights of this community. I implore you to pass this amendment. At a time when many states are devaluing the LGBTQ+ community, passing this amendment will send a strong message to Hawai'i and our country that the LGBTQ+ community is safe, protected, and loved here. Thank you for your time and consideration, Tara M. Norcross

HB-2802

Submitted on: 2/20/2024 5:04:51 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Joshua Wright	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members,

My name is Joshua Wright and I live in Kaneohe. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples. The Hawai'i Marriage Equality Act of 2013 codified in Hawai'i law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples. The Hawai'i State Constitution should reflect the best of Hawaii's values. Please support HB2808.

Mahalo for your time and consideration.
joshua wright

HB-2802

Submitted on: 2/20/2024 5:12:41 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Hannah Diaz	Individual	Support	Written Testimony Only

Comments:

Marriage and the rights afforded to those who participate in it were justly codified into law through the Hawai'i Marriage Equality Act of 2013. Please ensure that all relationships can rely on this by supporting HB2802 to protect from a potential hate-driven overturn of the Marriage Equality Act.

Mahalo,

Hannah Diaz

HB-2802

Submitted on: 2/20/2024 5:34:34 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ricardo Molero Bravo	Individual	Support	Written Testimony Only

Comments:

As someone who values love and equality, I wholeheartedly support marriage equality. This bill has the power to positively impact the lives of many of my close friends.

HB-2802

Submitted on: 2/20/2024 6:00:38 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Yingchun Shen	Individual	Support	Written Testimony Only

Comments:

I support HB2802

HB-2802

Submitted on: 2/20/2024 6:06:31 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ana Danko	Individual	Support	Written Testimony Only

Comments:

My name is Ana Danko and I live in Honolulu. I strongly support HB2802. I have many family and friend that would be personally impacted by this bill and I feel strongly that they should have the same rights as me. I stongly encourage you as my representatives to support this bill.

HB-2802

Submitted on: 2/20/2024 6:09:33 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Alicia Ainsley Velasco	Individual	Support	Written Testimony Only

Comments:

I am a resident of Hawaii, and I urge you to support HB2802.

Passing HB2802 allows a permanent way to ensure that everyone would have the same rights to love and marriage.

HB-2802

Submitted on: 2/20/2024 6:10:43 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tracy Chen	Individual	Support	Written Testimony Only

Comments:

My name is Tracy Chen, and I live in House District 22. I recently got married, and one of the things that I am learning is just how many legal benefits a married couple gets. The simplest and most obvious one is health insurance. I am anticipating a transition in my employment in this year, and because I am married, I don't have to worry about healthcare coverage during the months I am not working. Everyone who enters into a lifelong commitment with another person, regardless of their gender or sexuality, should be able to have the benefits that heterosexual couples have enjoyed for millenia. As a state, Hawai'i should progress forward, not backtrack, and because of that, I strongly encourage you to support HB2802.

HB-2802

Submitted on: 2/20/2024 6:10:46 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Troy Sensano	Individual	Support	Written Testimony Only

Comments:

My name is Troy Sensano. I live in District 18. I support HB2802 because as a student studying public health, a member of the LGBTQ+ community, and an individual with LGBTQ+ relatives, I believe that anyone should have the right to marry the person they love regardless of the bigoted beliefs of others. I strongly urge you to pass HB2802. Thank you for your consideration.

HB-2802

Submitted on: 2/20/2024 6:21:36 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nicole Arios	Individual	Support	Written Testimony Only

Comments:

My name is Nicole Victoria Arios, and I am from the Mililani district.

I support House Bill 2802 because I have family members and friends who would be greatly supported by this bill. Everyone should have the right to love and marry who they want; by doing so, they can live fruitful and responsible lives.

I would strongly encourage you to support this bill.

HB-2802

Submitted on: 2/20/2024 6:27:12 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Allison DeYenno	Individual	Support	Written Testimony Only

Comments:

Aloha Kākou -

I fully support the Amendment to Article 1, Section 23, of the Hawaii Constitution, removing the Hawai‘i legislature’s authority to limit marriage to opposite-sex couples.

We need to ensure that Hawai‘i remains an inclusive and welcoming place for all couples.

Mahalo

Allison DeYenno

HB-2802

Submitted on: 2/20/2024 6:41:38 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mollie Y. Norcross	Individual	Support	Written Testimony Only

Comments:

I am writing in support of the constitutional amendment that eliminates the legislature's authority to define marriage as only between opposite-sex individuals. This is a monumental moment in history, a turning point, where the State of Hawai'i has the opportunity to review and update our legislation to have it reflect and protect all our resident's right to marriage regardless of gender and sexuality without condition. With the current condition, the marriage between my wife and I can be easily taken away at any time should the legislature decide. Currently, the state of our marriage is treated as less than. It is conditional. 2802 HB would reaffirm the intention behind the Hawaii Marriage Equality Act, it will show our MVPFAFF/LGBTQIA+ Community that Hawai'i values and protects our human and civil rights, and it will show other States and the Federal Government that Hawai'i is not afraid of being all in, and perhaps more importantly, it will show our Keiki the importance of reflection, willingness to admit our flaws, and the importance of righting a wrong. Our Keiki, particularly those in the MVPFAFF/LGBTQIA+ Community, are watching and learning; let's show them what is right and how we treat each other with respect and dignity.

HB-2802

Submitted on: 2/20/2024 7:45:25 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Congressman Mark Takano	Individual	Support	Written Testimony Only

Comments:

"Congressman Mark Takano strongly supports HB2802 and applauds the efforts in the Hawai'i legislature to roll back discrimination. With the United States Supreme Court striking down civil rights, we must strengthen our state constitutions. The people of Hawai'i can join California this November to vote and restore marriage equality for all."

HB-2802

Submitted on: 2/20/2024 7:46:08 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cynthia J. Goto	Individual	Support	Written Testimony Only

Comments:

Strong support.

HB-2802

Submitted on: 2/20/2024 8:01:52 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nancy Yang	Individual	Support	Written Testimony Only

Comments:

I'm an OBGYN currently working in Hawai'i and I am writing in support of this bill. I'm happily married to my wife, and I have numerous friends who are nurses, health workers, therapists, researchers, and lawyers, people born and raised and indigenous to Hawai'i and also people who came to Hawai'i recently, who serve the people of Hawai'i in a variety of ways. Our rights to same sex marriage are protected by the US Supreme Court ruling of Obergefell vs Hodges. But like abortion was under threat, same sex marriage will likely become under threat, and if Obergefell is overturned like Roe was overturned, our lives will be changed forever. I support HB 2802 to protect the right to same sex marriage in Hawai'i, because I believe that Hawai'i, as a state that has long been a leader in civil rights, will continue to be a leader for the United States on this front. I sincerely hope that Hawai'i will choose to protect same sex marriage.

HB-2802

Submitted on: 2/20/2024 8:21:12 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Brooklyn Cochrane	Individual	Support	Written Testimony Only

Comments:

I support

HB-2802

Submitted on: 2/20/2024 8:35:11 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Charlize Visi	Individual	Support	Written Testimony Only

Comments:

I support HB2802 because everyone deserves marriage equality regardless of their sexual orientation. The discriminatory language in section 23 was approved 25 years ago and removing this section will reflect the overwhelming votes for marriage equality. The hawaii constitution should always reflect the best of Hawaii's values. Sam sex couples were approved the right to marry in 2013 this dection allows for that to change and limit same sex couples.

HB-2802

Submitted on: 2/20/2024 8:35:19 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Katie Strong	Individual	Support	Written Testimony Only

Comments:

Please remove the Legislature's authority to define marriage to opposite-sex couples, ensuring straight and LGBTQ couples' freedom to marry is protected in the Hawai'i State Constitution.

HB-2802

Submitted on: 2/20/2024 8:48:01 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sara Harris	Individual	Support	Written Testimony Only

Comments:

Dear Chair Tarnas, Vice Chair Takayama, and Committee Members,

I am an OBGYN practicing on Oahu. I am in strong support of this bill. I believe we all deserve the right to marry who we love and this bill will protect this right for many of my friends and my patients. Hawai'i should be proactive in defending the right to marry for all couples.

Please pass this bill.

Thank you for the opportunity to testify,

Sara Harris, MD

HB-2802

Submitted on: 2/20/2024 8:51:48 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jenna Manglallan-Yang	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members,

My name is Jenna Manglallan-Yang and I am a resident of Kaimuki. I am writing in support of HB2808, the proposition to remove the legislature’s authority to limit marriage to opposite-sex couples. The Hawai’i Marriage Equality Act of 2013 codified in Hawaii law the right to marry for LGBTQIA+ couples, however, the remaining Section 23 allows the legislature to undo such progress. Hawai‘ must take proactive steps to defend the rights of LGBTQIA+ couples.

This May I will celebrate my 2nd wedding anniversary to my wife. Thanks to the dedication of community efforts passed in 2013, I receive the same marital privileges as my non-LGBTQIA+ peers. We are currently in the process of family planning, and spend many days with deep concern of the trajectory of our rights as spouses and eventually, parents. My wife and I are mental health and medical professionals who understand our *kuleana* to serve the people of Hawai‘i with fairness and respect. Today, I ask the chair and committee for the same fairness and respect. Given the Supreme Court’s recent regression of the overturning of reproductive rights, it is essential for the state to take action in defending the liberties of LGBT marriages.

I trust in the Chair and Committee’s support to uphold HB2808.

Mahalo for your time and consideration,
Jenna M. Manglallan-Yang

HB-2802

Submitted on: 2/20/2024 8:56:54 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Carina	Individual	Oppose	Written Testimony Only

Comments:

Please vote NO. As written, safeguards are not included to prevent inadvertent (or advertent) misuse or errors & abuse of the processes. Definitions, safeguards, etc. are not included. Laws that promote & safeguard respect for all would be more beneficial.

If the focus of bills is to improve our communities & quality of life, passage of this bill will further divide the community, elevate the desires of adults over the long-term benefits to our children & society, create opportunities for abuse of the system, & cause litigation opportunities. Please do not change our foundations unless it will truly benefit the majority. Stop making short-sighted laws for the money. Please vote NO.

HB-2802

Submitted on: 2/20/2024 8:59:19 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jessica Waia'u	Individual	Support	Written Testimony Only

Comments:

Aloha,

My name is Jess Waia'u and I am a resident of Hawai'i Island. I strongly support HB2802 as I can see how it will positively impact our community. By enshrining the right to marry within the constitution, it will allow for further for protection of the fundamental right to marry in Hawai'i.

The proposed new language is inclusive and takes into account the diversity of families and relationships that exist in Hawai'i. In light of the current state of the US Supreme Court, the case precedents that have been set are not safe at the Federal level.

As a happily married women who happened to marry another woman, this bill will directly affect me and my family. For my family and for the many in Hawai'i like us, I urge you to support this bill.

Mahalo,

Jess Waia'u

she/her

HB-2802

Submitted on: 2/20/2024 9:18:43 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
KEALA FUNG	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members,

My name is Keala and I live in Honolulu. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples. The Hawai'i Marriage Equality Act of 2013 codified in Hawai'i law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples. The Hawai'i State Constitution should reflect the best of Hawaii's values. Please support HB2808.

Mahalo for your time and consideration.

Keala Fung

HB-2802

Submitted on: 2/20/2024 9:49:18 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Abigail M Otto	Individual	Support	Written Testimony Only

Comments:

My name is Abigail Otto, I am a physician, a resident of the state of Hawaii and a lesbian woman. I strongly support bill HB2802, as this bill would protect me, my future, and my freedoms should Obergefell ever fall in the Supreme Court. I hope that the state of Hawaii will stand to support and protect its citizen in their right to the live their lives and love who they choose to love. We as the queer community deserve happiness, partnership, and the unwavering support of our state in those pursuits. Please respect us as equal citizens and uphold the symbols of Hawai`i- the spirit of Aloha and the ānuenuē (rainbow).

With peace and love,

Dr. Abigail Otto

HB-2802

Submitted on: 2/20/2024 10:09:40 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
David Ruiz	Individual	Oppose	Written Testimony Only

Comments:

Marriage is between a man and a woman.

HB-2802

Submitted on: 2/20/2024 10:16:28 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Brittney Shinsato	Individual	Support	Written Testimony Only

Comments:

My sexual orientation and who I choose to marry does not affect my ability to be a law-abiding citizen. It does not affect my ability to practice community outreach. It does not affect my ability to show-up every workday for my patients, to provide quality care, as a nurse. It does not affect my tax-paying ability.

Who I love and who I choose to standby my side, during life's successes and obstacles, should be an individual choice and right. My choice to marry another woman (and thereby any other person who chooses to marry any other woman/man/non-binary he/him, she/her, and they/them) should be protected and ensured by law.

I would only hope that our Hawai'i government, and the loving, embracing culture that we have created on the islands would represent all of its citizen's best interests, and I believe our LGBTQ community would also be included and protected under this same culture.

HB-2802

Submitted on: 2/21/2024 2:03:25 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Madeleine Longoria Garcia	Individual	Support	Written Testimony Only

Comments:

My name is Madeleine Longoria Garcia, based in South Kona on Hawaii Island. In an effort to maintain and protect marriage equality throughout Hawaii, I am in strong support of this bill to remove outdated, discriminatory language regarding marriage.

HB-2802

Submitted on: 2/21/2024 2:39:01 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ryan K. Hew	Individual	Support	Written Testimony Only

Comments:

Chair Tarnas, Vice-Chair Takayama, and Members of the House Committee of Judiciary and Hawaiian Affairs,

I write in strong support of HB2802.

I believe it is crucial to update the Hawai'i Constitution by removing language that engenders certain people to the misguided belief that they can enshrine bigotry and attack people's right to liberty and the pursuit of happiness.

This debate is over. We have seen repeatedly that the attempt to mask supposed rational policymaking and laws by creating a better "safe" and "moral" society by allowing the legislature to dictate who can get married is perpetuated by self-serving religious zealots who wish to codify their biblical beliefs.

The Hawai'i Constitution serves as a foundational legal document. It is what serves us as a guiding document for the rule of law in a civil, just, and diverse society. Sections 2, 3, and 4 make clear that people are free by nature, they have rights to enjoy their pursuit of happiness, that their equality of rights should not be denied on the account of sex, and that there should be no laws respecting an establishment of religion. It cannot stand to reason to allow the legislature to define marriage between man and woman based on their religious belief.

It has been nearly a decade since *Obergefell v. Hodges* and it will be a decade since the Hawai'i Marriage Equality Act of 2013. Same-sex marriages have had their time to shine. They have shown that loving same-sex couples contribute to society and that their relationships build families. They have demonstrated that civil society has not fallen down on a slippery slope into chaos and anarchy.

If anything, the behavior of those that would support eliminating same-sex marriage have shown they are the ones unable to have civil discourse, govern the country, and act in basic decency for the integrity of the rule of law. They would rather overturn decades of precedence just purely on the grounds of religious belief.

Please do the right thing and remove this discriminatory language from Hawai'i's Constitution. It is offensive to the law, the state's identity, and people's natural rights. Please pass HB2802.

Thank You,

Ryan K. Hew, attorney, business owner, and resident of 'Aiea

HB-2802

Submitted on: 2/21/2024 7:54:34 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Doug Chin	Individual	Support	Written Testimony Only

Comments:

To: Hon. David A. Tarnas, Chair, Hon. Gregg Takayama, Vice Chair, and Members of the House Committee on Judiciary and Hawaiian Affairs, State Capitol, 415 South Beretania Street, Honolulu, Hawaii, 96813

Aloha, Chair Tarnas, Vice Chair Takayama, and Committee Members:

I write in strong support of **House Bill 2802**, which proposes a constitutional amendment to remove the legislature's authority authority to limit marriage to opposite-sex couples. 2024 is an important year for the state of Hawaii to take proactive steps to defend the right to marry for LGBTQ couples. Now is the time to update the constitution to reflect Hawaii's values.

In reviewing the outpouring of public testimony for this bill, I came across a comment saying section 23 is defective and ineffective because of other provisions of Article I that prohibit sex discrimination. Respectfully, that argument is misinformed and should be disregarded. The last constitutional amendment prevails over all prior provisions of the constitution to the extent of any contradiction or inconsistency.

I apologize for not being able to be present at your important hearing because I am the Chair of the Honolulu Police Commission and we have a meeting at the exact same time as yours.

I wish you all well and thank you for your public service.

Doug Chin

HB-2802

Submitted on: 2/21/2024 8:38:13 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nicola Van De Car	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members, my name is Nikki Van De Car and I live in Volcano. I'm writing in strong support of HB2802, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples.

The Hawai'i Marriage Equality Act of 2013 codified in Hawaii law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples.

The Hawai'i State Constitution should reflect the best of Hawaii's values, please support HB 2802. Mahalo for your time and consideration.

HB-2802

Submitted on: 2/21/2024 9:03:27 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

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

Comments:

Please support this bill! The state should not have the power to determine who can and cannot get married.

HB-2802

Submitted on: 2/21/2024 9:46:23 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Monisha Das Gupta	Individual	Support	Written Testimony Only

Comments:

I am writing in strong support of a constitutional amendment to remove Article 1, Section 23, which limits marriage to opposite-sex couples. This article is out of step with the changes that years of advocacy have accomplished to prohibit discrimination on the basis of sexual orientation in public accommodations, housing, employment, and jury service. In recent years, legal protections have been extended on the basis of gender and gender identity. It is time to get rid of the discriminatory 1998 constitutional amendment that gave the state legislature the authority to limit marriage to opposite-sex couples.

HB-2802

Submitted on: 2/21/2024 9:48:35 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Catherine Rault	Individual	Support	Written Testimony Only

Comments:

I strongly support HB 2802. With Obergefell, marriage equality is protected across the country nationwide. Hawaii should have their state laws align with this national law. If Obergefell were overturned, individuals of the same sex should still be allowed to marry. Those who are already married should not have to fear that their marriages were also no longer legally according to the Hawaii state.

HB-2802

Submitted on: 2/21/2024 10:45:05 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jo-Ann M Adams	Individual	Support	Written Testimony Only

Comments:

TESTIMONY on HB2802

I was involved in the marriage equality movement shortly after the case was originally filed by Dan Foley as attorney for Ninia Baehr, Genora Dancel, et al. At that time, I was active in the LGBT community. We did fundraisers for their efforts, primarily to raise money for attorney fees.

I met the Honorable Dan Foley when he was their attorney. He has a brilliant legal mind that changed the course of history. Rather than arguing that this was about same-sex marriage (and at the time the LGBT community was not consistently a protected class; we had little or no legal protection), he argued that it was **sex** discrimination, which had constitutional protection through Hawaii's State Constitution. This resulted in Justice Steve Levinson's landmark opinion on behalf of the Hawaii Supreme Court in favor of marriage equality.

I went off to law school and did not return until 2001. So, I missed the whole heartbreaking constitutional amendment phase of this struggle.

When I returned, I focused on finding Bill Woods, determining what he was up to, and joining forces. I located him. He was about to found the GLBT Caucus of the Democratic Party, and I became a founding member of the Caucus. We then set out on our adventure to improve the legal standing of the GLBT community, and we would not stop until we had same-sex marriage. (BTW, Bill died before we achieved our final goal.)

When we started, we had very little support -- even within the Democratic Party. Just a few years passed after the 1998 Constitutional Amendment had failed and several legislators lost their seats (including you, Rep. Tarnas. Thank you for your early support!). We only got their support when we reframed the motion to be about passing "civil unions as a step toward marriage".

We started with amending various statutes to include the LGBT community as a protected class by adding "sexual orientation and sexual identity" to three statutes: housing, public accommodations, and I think the third was employment.

Then we focused on civil unions. That was a multi-year battle during which our ranks of supporters really began to swell. It was like the Sorcerer's Apprentice in "Fantasia". Every time we got cut down, more of us arose out of the pieces, and we tried again.

I remember one legislator asking me why we were so determined. I responded, "We are trying to protect our families. Would you expect anything less?"

I remember when we passed civil unions. You could tell that the Legislators were proud of the work they had done that day. It was exhilarating!

Nationally, the LGBT movement was gaining traction, and just about the time we passed civil unions, *Windsor* was decided, declaring that the federal government could not discriminate against same-sex couples.

We rolled up our sleeves, and we started the call for Gov. Abercrombie to pass a marriage equality bill in special session. The special session ensued. The final day of the hearings was a PTSD experience. Opponents of the bill were in the atrium of the Capitol shouting and banging on the doors with such force that it shook the floor-to-ceiling windows. However, the State Legislature passed the bill in 2013.

In the ensuing election, NO legislators who supported the bill lost re-election. I think a few opponents may have, but I don't have a clear recollection.

Since then, all has been relatively calm and quiet. There was a little tempest around those who helped couples file for marriage licenses. They tried to pull the religion card that it was against their religion to support marriage equality. Gov. Abercrombie told them he would be happy to accept their resignations. So, that blew over quickly.

Other than that little skirmish in the beginning, all has gone well. I have not heard of any ongoing demonstrations or efforts to reverse course. I suspect it was because it was a 12-year, multi-pronged effort, and as I mentioned, like the Sorcerer's Apprentice, we were gaining increasing support in the community as a whole.

I remember during the Special Session running into Rep. McKelvey who told me excitedly that his district has flipped, from 70/30 against marriage equality to 70/30 in favor. When his constituents heard and felt the hate in the testimony of the opposition, they said to themselves, "This is not who we are."

In fact, the only complaint I received was at a political gathering when a lesbian I knew came up to me and complained that she now had to pay spousal support. (I always knew that marriage would have a more profound effect on the LGBT community than on the community as a whole.)

All seemed quiet "on the Western front" until on the "Eastern front" the Supreme Court of the United States issued the Dobbs decision. In his dissent, J. Clarence Thomas (I will refrain from a diatribe on *this* topic) stated that now that Dobbs was published they should take on other legal issues decided based on privacy, including marriage equality.

Hence the need for this current legislation.

As long as we have such illustrious judges on the Supreme Court and a national candidate who claims he will be authoritarian only on Day 1, we need to proactively position Hawaii, such as recently done by our Supreme Court on gun rights. We have a stable community that seems fine with marriage equality. There is no doubt that it is bringing in some additional revenue to the State as a destination for weddings and honeymoons. And marriage equality better reflects who we are, "the Aloha State".

Please pass this bill to repeal the amendment passed during the fevered election of 1998 and let us continue to live in the well-earned peace that we have known for the last decade.

On a personal note, my wife and I will celebrate a huge anniversary in May 2024. On May 29th we will have been together for 30 years, 9 of them legal. (We married in 2015). Mahalo nui to the legislature for giving us a stable legal foundation and to this committee for assuring that the legal foundation will remain stable.

Finally, a personal thank you to Sen. Dave Tarnas. I met you through the Hawaii Democratic Party. I am delighted that you are back in the legislature and have resumed your support of this cause. I so admire people who champion the causes of others!

Mahalo nui for this opportunity to testify!

HB-2802

Submitted on: 2/21/2024 11:01:37 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Arielle Adenew	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this amendment to the state constitution. The current legislation is adequate.

LATE *Testimony submitted late may not be considered by the Committee for decision making purposes.

To: David A. Tarnas Chair
House Committee of Judiciary & Hawaiian Affairs

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

Wednesday February 21, 2024
2:00 p.m. 325 via Videoconference

To David A. Tarnas,

My name is April Arroyo and I am a social work student at UH Mānoa who is writing in support of HB 2802, the proposed amendment to Article 1, Section 23 of the Hawaii Constitution relating to marriage.

Same sex marriage has been legal in the state of Hawai'i since December 2, 2013, well over a decade. It is time our constitution catches up to the legal protections that are in place for same sex couples looking to get married. This amendment would limit the legislature's authority to limit marriage to opposite-sex couples leading to great equality, inclusivity, and recognition of same sex couples not only in the state but across our global community. Marriage is a fundamental human right and same sex couples should be granted the same legal recognition and protections as opposite sex couples.

Through the removal of the legislature's authority to limit marriage to opposite sex couples we are taking a stand for justice and inclusivity, and affirming the principle that ALL individuals deserve equal treatment under the law regardless of sexual orientation.

Furthermore, this amendment is not just a matter of legality; it is a matter of dignity and recognition. Denying same-sex couples the right to marry not only deprives them of legal protections and benefits but also sends a message that their relationships are somehow less valid or deserving of recognition. It is time for us to reject such discrimination and embrace a more inclusive vision of marriage that celebrates love in all its forms.

Thank you for taking the time to read through my testimony in support of HB 2802 and its proposed amendment. I urge each and every one of you to support this bill and the message that it sounds, which is that Hawai'i stands with equality and inclusivity.

Sincerely,
April Arroyo

808-757-8176
224 Ainahou Place
Wailuku, HI
96793

HB-2802

Submitted on: 2/21/2024 11:59:24 AM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Laurel Johnston	Individual	Support	Written Testimony Only

Comments:

I am strongly in support of 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 for your consideration and support of this measure.

HB-2802

Submitted on: 2/21/2024 12:09:55 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Susan Waldman	Individual	Support	Written Testimony Only

Comments:

My name is Susan Waldman. I live in Honolulu with my wife. I'm writing in strong support of HB2808, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples. The Hawai'i Marriage Equality Act of 2013 codified in Hawai'i law the right to marry for LGBTQ couples, but the remaining Section 23 allows the Legislature to undo that progress. Given national trends against the LGBTQ community, the U.S. Supreme Court's roll-back of abortion protections, and their potential over-turning of Obergefell v. Hodges, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQ couples. The Hawai'i State Constitution should reflect the best of Hawaii's values. Please support HB2808.

HB-2802

Submitted on: 2/21/2024 12:27:34 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Robert W Thomas	Individual	Comments	Written Testimony Only

Comments:

I would like to submit just briefly my support for marriage equality in the State of Hawai'i. I have been visiting friends who live in Honolulu the last couple of years and i appreciate the open, welcoming attitude and legal protections which equality provides. LGBTQ+ folks consider our destinations of travel and the friendliness (or lack of that) before making travel bookings.

thanks,

Robert W Thomas

West Hollywood, CA

HB-2802

Submitted on: 2/21/2024 12:33:32 PM

Testimony for JHA on 2/21/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dallas Diyaljee	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and JHA Committee Members,

My name is Dallas Diyaljee and I reside in Mililani. I am writing in strong support of HB2802 and respectfully ask that you support this bill proposing a constitutional amendment to remove our legislature’s authority to limit marriage to opposite-sex couples.

It is imperative that we ensure marriage equality in Hawaii by eliminating the possibility that our Legislature could undo the progress we made in 2013 via Hawaii's Marriage Equality Act. With the trends we are seeing across our country, we must endeavor to protect marriage equality from a regression such as was seen in the U.S. Supreme Court’s removal of abortion protection.

Please take the proactive step to defend the right to marry for LGBTQ couples by supporting HB2802.

Mahalo for your time and consideration.