



MARK MUGIISHI, M.D.
CHAIR

STATE OF HAWAII REAPPORTIONMENT COMMISSION

NOTICE OF REAPPORTIONMENT COMMISSION MEETING

Date: March 7, 2022
Time: 3:00 P.M.
Place: via Video Conference or Telephone*

*Pursuant to Act 220, Session Laws of Hawaii 2021, and the Governor's Emergency Proclamation Related to COVID-19 (Omicron Variant), dated January 26, 2022, the Reapportionment Commission will be meeting remotely using interactive conference technology. The public may view the video and audio of the meeting through the following video conferencing link:

Video: <https://zoom.us/j/96987710611>

Telephone: +1 253 215 8782
+1 346 248 7799
+1 669 900 6833
+1 301 715 8592
+1 312 626 6799
+1 929 205 6099

Meeting ID: 969 8771 0611

A G E N D A

- I. Call to Order
- II. Roll Call and Determination of a Quorum
- III. Public Testimony

Individuals may submit testimony in advance of the meeting via email to reapportionment@hawaii.gov or by mail addressed to the 2021 Reapportionment Commission, c/o Scott Nago, Secretary, 802 Lehua Avenue, Pearl City, Hawaii 96782. Individuals interested in signing up to provide oral testimony at the meeting may submit their name, email, and phone number to reapportionment@hawaii.gov. Individuals may provide oral testimony at the meeting via the above-listed video conferencing link or by calling the above-listed telephone number.

Testimony presented during the meeting will be limited to three minutes each.

- IV. Approval of Minutes for the Meeting of February 23, 2022
- V. Discussion and Action Regarding the February 23, 2022 Petition of Registered Voters (SCPW-22-0000078) Challenging the Validity of the Final Legislative Reapportionment Plan

Pursuant to HRS § 92-5(a)(4), the Commission anticipates holding an executive meeting to consult with its attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities.

- VI. Discussion and Formation of a Permitted Interaction Group Pursuant to HRS § 92-2.5(b) to Assist in the Litigation of the February 23, 2022 Petition of Registered Voters (SCPW-22-0000078) Challenging the Validity of the Final Legislative Reapportionment Plan

- VII. Adjournment

If audiovisual communication cannot be maintained with all Commissioners participating in the meeting or with the public location identified above, the meeting shall be automatically recessed for up to thirty (30) minutes to allow staff to attempt to restore communication; provided, however, that this shall not apply if a member of the public is unable to maintain their own audiovisual connection to the remote public broadcast.

If audiovisual communication with all participating Commissioners can be restored, the meeting will be reconvened. If, however, audiovisual communication cannot be restored, then the meeting may be reconvened with the audio-only communication using the above-listed telephone number. Any nonconfidential visual aids brought to the meeting by Commissioners or as part of a scheduled presentation will be made publicly available on the Office of Elections website within fifteen (15) minutes after audio-only communication is established.

If it is not possible to reconvene the meeting within thirty (30) minutes after an interruption of communication and the Commission has not provided reasonable notice to the public as to how the meeting will be continued at an alternative date and time, then the meeting shall be automatically terminated.

IF YOU REQUIRE SPECIAL ASSISTANCE OR AUXILIARY AIDS AND/OR SERVICES TO PARTICIPATE IN THE PUBLIC HEARING PROCESS OF THE REAPPORTIONMENT COMMISSION, PLEASE CONTACT THE OFFICE OF ELECTIONS AT LEAST 48 HOURS PRIOR TO THE HEARING SO ARRANGEMENTS CAN BE MADE. FOR FURTHER INFORMATION, PLEASE CALL THE OFFICE OF ELECTIONS AT 453-8683 OR 1-800-442-8683 FROM THE NEIGHBOR ISLANDS.

IV. APPROVAL OF MINUTES FOR THE MEETING OF FEBRUARY 23, 2022



MARK MUGIISHI, M.D.
CHAIR

**STATE OF HAWAII
2021 REAPPORTIONMENT COMMISSION**

**MINUTES OF THE REGULAR MEETING OF THE
2021 REAPPORTIONMENT COMMISSION**

**FEBRUARY 23, 2022
1:00 PM**

*Pursuant to Act 220, Session Laws of Hawaii 2021, and the Governor's Emergency Proclamation Related to COVID-19 (Omicron Variant), dated January 26, 2022, the Reapportionment Commission will be meeting remotely using interactive conference technology. This meeting was recorded and has been posted on the Office of Elections website at elections.hawaii.gov.

Commissioners in Attendance:

Mark Mugiishi, Chair
Calvert Chipchase IV
Robin Kennedy
Charlotte Nekota
Randall Nishimura
Dylan Nonaka
Diane Ono
Kevin Rathbun

Staff in Attendance:

Royce Jones
Scott Nago
Reese Nakamura
David Rosenbrock
Lori Tanigawa

Testifiers in Attendance:

Kainoa Kaumeheiwa-Rego
Jennifer Lienhart-Tsuji
Kimeona Kane
Maki Morinoue
Kapua Medeiros
Bill Hicks
Michaela Ikeuchi
Deborah Ward
Marian Grey
Kapohuolahaina Pa Moniz

Brett Kulbis
Shannon Matson
Kapua Keliikoa-Kamai
Phil Barnes
Michael Konowicz

PROCEEDINGS

I. Call to Order

Chair Mugiishi called the meeting to order at 1:00 p.m.

II. Roll Call and Determination of Quorum

Reapportionment Commission Secretary, Scott Nago, conducted a roll call. All members of the Reapportionment Commission were present at the start of the meeting, with the exception of Commissioner Chipchase, Commissioner Chun, and Commissioner Nonaka. The Commission had a quorum.

III. Public Testimony

Chair Mugiishi addressed housekeeping matters related to conducting the meeting by video and telephone. He reminded testifiers that if technical issues arise, testifiers would be given a moment to resolve their issues. If the problems cannot be resolved, the Commission would move on to the next testifier. He asked that those wishing to testify raise their hand via the Zoom reactions feature or press *9 if joining by phone. He asked testifiers to state their first and last names and testifying items for the record.

Kainoa Kaumeheiwa-Rego testified referencing the recommendations they provided in the written testimony submitted by Common Cause Hawaii.

Commissioner Chipchase was acknowledged as present at 1:04 p.m.

Jennifer Lienhart-Tsuji testified providing comments related to the Reapportionment and Redistricting Plan for the community of Waikoloa on the island of Hawaii and the conduct of the Reapportionment Commission.

Kimeona Kane testified providing comments related to the Reapportionment and Redistricting Plan for the community of Waimanalo

on the island of Oahu and the conduct of the Reapportionment Commission.

Commissioner Nonaka was acknowledged as present at 1:12 p.m.

Maki Morinoue testified providing comments on the conduct of the Reapportionment Commission and in support of the Reapportionment and Redistricting Plan submitted by Ralph Boyea.

Kapua Medeiros testified providing comments on the conduct of the Reapportionment Commission.

Bill Hicks testified providing comments on the conduct of the Reapportionment Commission.

Michaela Ikeuchi testified in opposition to the Reapportionment and Redistricting Plan and provided comments regarding the conduct of the Reapportionment Commission.

Deborah Ward testified in opposition to the Reapportionment and Redistricting Plan for Representative District 5.

Marian Grey testified providing comments on the Reapportionment and Redistricting Plan and in support of the plans submitted by Bill Hicks.

Kapohuolahaina Pa Moniz testified in opposition to the Reapportionment and Redistricting Plan for Senate District 25 and provided comments on the conduct of the Reapportionment Commission.

Brett Kulbis testified providing comments on the extraction of non-permanent residents.

Shannon Matson testified providing comments on the conduct of the Reapportionment Commission.

Kapua Keliikoa-Kamai testified providing comments on the Reapportionment and Redistricting Plan.

Phil Barnes testified providing comments on the conduct of the Reapportionment Commission and in support of the plans submitted by Ralph Boyea.

Michael Konowicz testified in opposition to the Reapportionment and Redistricting Plan and on the conduct of the Reapportionment Commission.

Chair Mugiishi thanked the testifiers for attending the Reapportionment Commission meetings and being part of the process. He noted that listening and hearing are not the same as agreeing, and reemphasized his appreciation for the dedication of the testifiers.

IV. Reports by the Apportionment Advisory Councils

Chair Mugiishi explained that the Reapportionment Commission had invited each Advisory Council – Hawaii, Maui, Kauai, and Oahu, to provide feedback on the redistricting matters for each basic island unit. The Reapportionment Commission has planned to allow each Advisory Council to present at the Commission meetings. No reports were provided by the Apportionment Advisory Councils.

V. Approval of Minutes for the Meeting of January 28, 2022

Commissioner Ono made a motion to approve the minutes for the meeting of January 28, 2022, which was seconded by Commissioner Nekota and approved unanimously by the Commission noting the excused absence of Commissioner Chun.

VI. Discussion and Action on the 2021 Reapportionment Commission's Report to the Legislature

Chair Mugiishi noted a bill proposing a constitutional amendment regarding permanent residents for reapportionment and that Project Manager David Rosenbrock submitted testimony providing comments on the process.

Commissioner Rathbun recommended that future Reapportionment Commissions consider holding meetings around regular business hours to make it easier for the public to attend. He also noted his support for amending the process regarding the extraction of non-permanent residents for legislative reapportionment and redistricting.

Commissioner Ono agreed with the recommendation to hold meetings after hours and on weekends to accommodate public access. She also recommended that the distribution of paper copies of the maps be discontinued for presentations and public inspection.

Commissioner Chipchase noted that public Boards and Commissions meet during business hours and acknowledged that this Commission did vary the dates and hours of meetings and hearings for public access. He also stated his agreement with Commissioner Rathbun regarding amending the processing to extract non-permanent residents.

Commissioner Kennedy also agreed with the recommendations made by Commissioner Rathbun. She added a recommendation that future Commissions do not use permitted interaction groups (PIGs) to conduct the Commission's work to make the process more transparent. She further reiterated her belief that the military should be included for reapportionment and redistricting as they use Hawaii's services and infrastructure.

Chair Mugiishi noted the four recommendations for consideration by the Commission: (1) considering work hours of the public when scheduling future Commission schedules meetings and hearing; (2) amending the process for extracting non-permanent residents; (3) distributing maps by digital means only; and (4) limiting the use of PIGs.

Commissioner Rathbun made a motion to include a recommendation in the Commission's report to the Legislature that work hours of the public be considered when the Commission schedules meetings and hearings, which was seconded by Commissioner Chipchase and approved unanimously by the Commission noting the excused absence of Commissioner Chun.

Chair Mugiishi proceeded further to discuss the recommendation regarding the extraction of non-permanent residents. Commissioner Chipchase stated the issues related to the extraction of non-permanent residents and how those have impacted the 2011 and 2021 Reapportionment Commissions he has served on. He explained that there would be no perfect solution and that each Commission has had to address it as best they could by balancing both the Hawaii State Constitution and practical data sources.

Commissioner Nishimura indicated his support for a recommendation to amend the process of extracting non-permanent residents and suggested that if a constitutional amendment does not pass, this Commission recommends the Legislature codify the method of extraction.

Commissioner Ono disagreed with the recommendation to not remove all military, indicating that there may be unintended consequences. She described an example of the military quickly moving in and out of Hawaii

during the Vietnam War. She agreed with the suggestion by Commissioner Nishimura that a statutory methodology could clarify how the extraction of non-permanent residents is done.

Commissioner Kennedy asked if a question could be presented to Hawaii through the U.S. Census. Chair Mugiishi noted that Hawaii is the only state that conducts legislative reapportionment and redistricting in this manner. Commissioner Kennedy clarified that the U.S. Census could amend questions for Hawaii only. Chair Mugiishi stated that while he did not want to speak for the U.S. Census Bureau, he guessed they would not be receptive to such an accommodation.

Chair Mugiishi summarized the discussion noting that the Commission was unanimous in its frustration on how it uses the data to extract non-permanent residents; however, it was divided on the best solution to address the issue. Commissioner Ono and Commissioner Nonaka agreed with the sentiment of the Chair. Commissioner Chipchase expressed that the Commission should strive to be unanimous in its recommendations.

Commissioner Nonaka stated his support for having clear criteria to use to extract non-permanent residents. He proposed a minimum term of residency and proposed a new extraction method to define the data sources that could identify non-permanent residents so that it does not change with every reapportionment. He commented that currently, in an abundance of caution, the Commission must do the maximum extraction, which he believed the Commission could unanimously agree is too many.

Commissioner Nekota agreed with Commissioner Nonaka and Commissioner Ono, citing that the current article of the Hawaii State Constitution could have been put in place related to the events of the Vietnam War.

Chair Mugiishi stated that the Commission should recommend to the Legislature to determine and consider clarifying the method of extraction. Commissioner Rathbun suggested that the Legislature could also consider a working group to make recommendations to clarify the method of extraction before passing a bill. Commissioner Nekota also noted that this matter could also be considered in the event of a Constitutional Convention.

Chair Mugiishi further reiterated his understanding of the Commission's recommendation considering that the data used for extraction and that the Legislature should address it as the Commission does not unanimously agree on a solution.

Commissioner Nonaka agreed with Commissioner Rathbun that the recommendation should propose a Legislative working group. He explained that a law change would only make sense if based on criteria a data source can provide. Chair Mugiishi amended the recommendation to address three possible options: (1) constitutional amendment, (2) statutory method of extraction, and (3) working group to identify data sources and propose legislation for the Legislature to consider, and noted that the Commissioners were divided on the best solution but hoped for action.

Commissioner Rathbun made a motion to include a recommendation in the Commission's report to the Legislature to consider a constitutional amendment, statutory method of extraction, or working group to address the extraction of non-permanent residents, which was seconded by Commissioner Nekota and unanimously approved by the Commission noting the excused absence of Commissioner Chun.

For the third recommendation, Commissioner Nonaka made a motion to include a recommendation in the Commission's report to the Legislature to distribute the maps digitally for presentation and inspection by the public, which was seconded by Commissioner Nishimura and approved unanimously by the Commission noting the excused absence of Commissioner Chun.

Regarding the recommendation to limit the use of PIGs, Chair Mugiishi indicated it is easier for a smaller group to manage; however it excludes members of the Commission. Commissioner Nonaka stated that he had served on the PIG responsible for proposing maps in 2011 and 2021, and received similar criticisms each time. He said that he did not have a solution, as presenting new district lines in a large forum would be inefficient but recognized the concerns regarding transparency.

Commissioner Kennedy suggested that the meetings of the PIGs could be recorded to facilitate discussion among the Commission, community input, and transparency. Commissioner Nonaka explained that reapportionment and redistricting is a political process, and the conduct of the Reapportionment Commission could be used for an argument for the benefit of the individual or group. He emphasized that the Commission would never be able to eliminate all criticism.

Commissioner Kennedy stated her belief that the Commission would not try to minimize criticism but instead open the process to the other Commission members who were not part of a PIG. Commissioner Nonaka explained that this was one of the more open and transparent processes nationally, stating that in most states, the political party in power draws

new maps without public comment. Commissioner Nekota added that the Commission, specifically the Technical Committee Permitted Interaction Group, listened to the public testimony and applied the recommendations they agreed with based on the numbers they were working with on their maps. Commissioner Nonaka further commented on the structure and the limitations of sunshine laws.

Commissioner Ono reiterated the comments by Commissioner Nekota that the Technical Committee Permitted Interaction Group considered and made changes to the proposed Reapportionment and Redistricting Plans it presented based on public comment. She referenced using Makapuu Point as a boundary between House District 18 and 51. She also reiterated the comment of the Chair that the Commission has listened and considered the public testimony even if there was no agreement. She further clarified with Commissioner Nonaka that the work of the Technical Committee Permitted Interaction Group was not open to the public in 2011. Commissioner Nonaka stated that the process in 2011 was very similar to the conduct of the 2021 Commission. Commissioner Nonaka additionally commented that opening the PIG meetings could further discourage discussion among Commissioners.

Commissioner Rathbun stated that he would not be opposed to having the PIG meetings recorded as there were no secrets among the Technical Committee Permitted Interaction Group. He also commented that the neighbor island Apportionment Advisory Councils provided important feedback. He added that the Oahu Advisory Council formed and met later. He recommended that the Apportionment Advisory Councils get involved earlier.

Chair Mugiishi called on the Commissioners to form a motion to include as a recommendation. Commissioner Nishimura proposed a motion that meetings of PIGs be recorded and available to the public, which Commissioner Kennedy seconded. Commissioner Nishimura explained that this would allow the public to observe. Chair Mugiishi noted that video recordings could be limiting depending on future Reapportionment Commission meetings and proposed minutes.

Commissioner Nonaka commented that it would be expensive to videotape PIG meetings to microphone all Commissioners and record any screens and tools used. He also noted that the future Commissions would implement their own rules regarding their conduct. He further explained that he found in-person meetings more interactive than virtual as the Commissioners could talk more freely with community members. Commissioner Kennedy withdrew her second of the motion explaining that

the conduct of this Reapportionment Commission could be a result of COVID-19. Commissioner Nishimura withdrew his motion.

Commissioner Kennedy recommended that future Commissions consider advertising. Commissioner Nonaka expressed his belief that COVID-19 also impacted the ability of community groups like the League of Women Voters and Rotary Club to hold gatherings which the previous Commission could present at. He noted that the Hawaii Island League of Women Voters had a virtual forum, but there were more events in 2011.

Commissioner Kennedy made a motion to include a marketing program for public education and awareness. Commissioner Nonaka commented on the government's lack of participation, stating that the media had reported reapportionment over the last six months. He said he disagreed with putting money towards a marketing program.

Commissioner Nishimura made a motion to include a recommendation for future Commissions to enhance participation and transparency in the processes of the Reapportionment Commission, which was seconded by Commissioner Kennedy and unanimously approved by the Commission noting the excused absence of Commissioner Chun.

In summary, the 2021 Reapportionment Commission voted to include the following recommendations for future Reapportionment Commissions in its report to the Legislature.

1. The Commission recommends the work hours of the public be considered when future Commissions schedule meetings and hearings.
2. The Commission recommends that the Legislature consider a constitutional amendment, statutory method of extraction, or working group to address the extraction of non-permanent residents.
3. The Commission recommends the distribution of maps digitally for presentation and inspection by the public.
4. The Commission recommendation for future Commissions to enhance participation and transparency in the processes of the Reapportionment Commission.

Commissioner Ono made a motion to adopt the proposed report to the Legislature, noting the inclusion of recommendations, which was

seconded by Commissioner Nekota and approved unanimously by the Commission noting the excused absence of Commissioner Chun.

VII. Adjournment

Commissioner Kennedy made a motion to adjourn the meeting, which was seconded by Commissioner Nishimura and approved unanimously by the Commission noting the excused absence of Commissioner Chun. The meeting was adjourned at 2:38 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'SCOTT T. NAGO', written over a horizontal line.

SCOTT T. NAGO
Secretary to the Reapportionment Commission

**V. DISCUSSION AND ACTION
REGARDING THE FEBRUARY
23, 2022 PETITION OF
REGISTERED VOTERS (SCPW-
22-0000078) CHALLENGING
THE VALIDITY OF THE FINAL
LEGISLATIVE
REAPPORTIONMENT PLAN**

SCPW No. _____

IN THE SUPREME COURT OF THE STATE OF HAWAII

WILLIAM M. HICKS; RALPH BOYEA;
MADGE SCHAEFER; MICHAELA
IKEUCHI; KIMEONA KANE; MAKI
MORINOUE; ROBERTA MAYOR;
DEBORAH WARD; JENNIFER
LIENHART-TSUJI; LARRY S. VERAY; and
PHILIP BARNES,

Petitioners,

vs.

THE 2021 HAWAII REAPPORTIONMENT
COMMISSION AND ITS MEMBERS; THE
STATE OF HAWAII OFFICE OF
ELECTIONS; and SCOTT NAGO, in his
official capacity as Chief Elections Officer,
State of Hawai'i,

Respondents.

ORIGINAL PROCEEDING

PETITION OF REGISTERED VOTERS FOR

- (1) A DECLARATORY JUDGMENT THAT THE FINAL LEGISLATIVE REAPPORTIONMENT PLAN ADOPTED BY THE 2021 HAWAII REAPPORTIONMENT COMMISSION AND FILED ON JANUARY 28, 2022, IS INVALID;**
- (2) A WRIT OF MANDAMUS DIRECTING THE 2021 HAWAII REAPPORTIONMENT COMMISSION TO PREPARE AND FILE A NEW REAPPORTIONMENT PLAN FOR THE STATE LEGISLATURE THAT COMPLIES WITH THE CRITERIA OF ARTICLE IV, SECTION 6 OF THE**

**HAWAI'I STATE CONSTITUTION AND HAWAI'I REVISED STATUTES
SECTION 25-2;**

- (3) **A WRIT OF MANDAMUS DIRECTING THE CHIEF ELECTION OFFICER
TO RESCIND THE PUBLICATION OF THE LEGISLATIVE
REAPPORTIONMENT PLAN FILED ON JANUARY 28, 2022; AND**
- (4) **A TEMPORARY ORDER ENJOINING THE STATE OF HAWAI'I OFFICE
OF ELECTIONS AND THE CHIEF ELECTION OFFICER FROM
ACCEPTING NOMINATING PAPERS FOR OFFICE IN THE STATE
LEGISLATURE.**

**STATEMENT OF FACTS; STATEMENT OF ISSUES AND RELIEF SOUGHT; AND
STATEMENT OF REASONS FOR GRANTING RELIEF SOUGHT**

APPENDICES A THROUGH S

DECLARATION OF WILLIAM M HICKS

DECLARATION OF RALPH BOYEA

DECLARATION OF MATEO CABALLERO

and

CERTIFICATE OF SERVICE

MATEO CABALLERO 10081
Caballero Law LLC
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Honolulu, Hawai'i 96823
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Attorney for Petitioners

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

WILLIAM M. HICKS; RALPH BOYEA;
MADGE SCHAEFER; MICHAELA
IKEUCHI; KIMEONA KANE; MAKI
MORINOUE; ROBERTA MAYOR;
DEBORAH WARD; JENNIFER
LIENHART-TSUJI; LARRY S. VERAY; and
PHILIP BARNES,

Petitioners,

vs.

THE 2021 HAWAI‘I REAPPORTIONMENT
COMMISSION AND ITS MEMBERS; THE
STATE OF HAWAI‘I OFFICE OF
ELECTIONS; and SCOTT NAGO, in his
official capacity as Chief Elections Officer,
State of Hawai‘i,

Respondents.

PETITION OF REGISTERED VOTERS
FOR (1) A DECLARATORY JUDGMENT
THAT THE FINAL LEGISLATIVE
REAPPORTIONMENT PLAN ADOPTED
BY THE 2021 HAWAI‘I
REAPPORTIONMENT COMMISSION
AND FILED ON JANUARY 28, 2022, IS
INVALID; (2) A WRIT OF MANDAMUS
DIRECTING THE 2021 HAWAI‘I
REAPPORTIONMENT COMMISSION TO
PREPARE AND FILE A NEW
REAPPORTIONMENT PLAN FOR THE
STATE LEGISLATURE THAT COMPLIES
WITH THE CRITERIA OF ARTICLE IV,
SECTION 6 OF THE HAWAI‘I STATE
CONSTITUTION AND HAWAI‘I REVISED
STATUTES SECTION 25-2; (3) A WRIT OF
MANDAMUS DIRECTING THE CHIEF
ELECTION OFFICER TO RESCIND THE
PUBLICATION OF THE LEGISLATIVE
REAPPORTIONMENT PLAN FILED ON
JANUARY 28, 2022; AND (4) A
TEMPORARY ORDER ENJOINING THE
STATE OF HAWAI‘I OFFICE OF
ELECTIONS AND THE CHIEF ELECTION
OFFICER FROM ACCEPTING
NOMINATING PAPERS FOR OFFICE IN
THE STATE LEGISLATURE

PETITION OF REGISTERED VOTERS FOR

- (1) **A DECLARATORY JUDGMENT THAT THE FINAL LEGISLATIVE
REAPPORTIONMENT PLAN ADOPTED BY THE 2021 HAWAI‘I
REAPPORTIONMENT COMMISSION AND FILED ON JANUARY 28, 2022,
IS INVALID**
- (2) **A WRIT OF MANDAMUS DIRECTING THE 2021 HAWAI‘I
REAPPORTIONMENT COMMISSION TO PREPARE AND FILE A NEW
REAPPORTIONMENT PLAN FOR THE STATE LEGISLATURE THAT
COMPLIES WITH THE CRITERIA OF ARTICLE IV, SECTION 6 OF THE**

HAWAI'I STATE CONSTITUTION AND HAWAI'I REVISED STATUTES
SECTION 25-2

- (3) **A WRIT OF MANDAMUS DIRECTING THE CHIEF ELECTION OFFICER TO RESCIND THE PUBLICATION OF THE LEGISLATIVE REAPPORTIONMENT PLAN FILED ON JANUARY 28, 2022**
- (4) **A TEMPORARY ORDER ENJOINING THE STATE OF HAWAI'I OFFICE OF ELECTIONS AND THE CHIEF ELECTION OFFICER FROM ACCEPTING NOMINATING PAPERS FOR OFFICE IN THE STATE LEGISLATURE**

COME NOW Petitioners WILLIAM M. HICKS, RALPH BOYEA, MADGE SCHAEFER, MICHAELA IKEUCHI, KIMEONA KANE, MAKI MORINOUE, ROBERTA MAYOR, DEBORAH WARD, JENNIFER LIENHART-TSUJI, LARRY S. VERAY, and PHILIP BARNES, all of whom are registered voters in the State of Hawai'i, by and through their undersigned counsel, and respectfully petition this Honorable Court pursuant to Article 4, Section 10 of the Hawai'i Constitution; Hawai'i Rules of Appellate Procedure Rules 17 and 21; Hawai'i Revised Statutes Chapter 632-1; and Hawai'i Revised Statutes Section 602-5(a), in this original proceeding for relief as follows:

1. As to the 2021 Final Legislative Reapportionment Plan

That this Court declare that the 2021 Final Legislative Reapportionment Plan is constitutionally defective and invalid, because it does not comply with the requirement under Section 6, Article IV of the Hawai'i Constitution that house districts be wholly within senate districts, where practicable, and the Hawai'i Revised Statutes Section 25-2 requirement that legislative districts be wholly within congressional districts, where practicable. Additionally, that this Court declare that the 2021 Final Legislative Reapportionment Plan is unconstitutional and invalid, because the 2021 Hawai'i Reapportionment Commission impermissibly delegated the redistricting process to a technical committee permitted interaction group in violation of Article

IV, Sections 2, 6, and 10 of the Hawai‘i Constitution.

2. As to Respondent the 2021 Hawai‘i Reapportionment Commission

That this Court issue a writ of mandamus directing the 2021 Hawai‘i Reapportionment Commission to prepare and file a new reapportionment plan for the State Legislature by a date certain that (1) complies with the standards and provisions of Article IV, Section 6 of the Hawai‘i Constitution and Hawai‘i Revised Statutes Section 25-2, and (2) without impermissibly delegating the redistricting process to a technical committee permitted interaction group.

3. As to Respondent Scott Nago, Chief Elections Officer, State of Hawai‘i

That this Court issue a writ of mandamus directing Scott Nago, Chief Elections Officer, State of Hawai‘i, to rescind the publication of the 2021 Final Legislative Reapportionment Plan filed on January 28, 2022, pursuant to Hawai‘i Revised Statutes Section 25-2(a).

4. As to Respondents Scott Nago, Chief Elections Officer, State of Hawai‘i and the State of Hawai‘i Office of Elections:

That this Court enter an order temporarily enjoining Scott Nago, Chief Elections Officer, State of Hawai‘i, and the State of Hawai‘i Office of Elections from accepting nominating papers for office in the State Legislature until this matter is resolved.

5. Other Relief

That Petitioners be provided such further relief as may be appropriate pursuant to Article IV, Section 10 of the Hawai‘i Constitution “to correct or effectuate the purposes of the reapportionment provisions contained in the Constitution.” Haw. Const. art. IV, § 10.

DATED: Honolulu, Hawai‘i, February 23, 2022

Respectfully submitted,

/s/ Mateo Caballero

MATEO CABALLERO

Attorney for Petitioners

SCPW No. _____

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

WILLIAM M. HICKS; RALPH BOYEA;
MADGE SCHAEFER; MICHAELA
IKEUCHI; KIMEONA KANE; MAKI
MORINOUE; ROBERTA MAYOR;
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LIENHART-TSUJI; LARRY S. VERAY; and
PHILIP BARNES,

Petitioners,

vs.

THE 2021 HAWAI‘I REAPPORTIONMENT
COMMISSION AND ITS MEMBERS; THE
STATE OF HAWAI‘I OFFICE OF
ELECTIONS; and SCOTT NAGO, in his
official capacity as Chief Elections Officer,
State of Hawai‘i,

Respondents.

STATEMENT OF FACTS; STATEMENT
OF ISSUES AND RELIEF SOUGHT; AND
STATEMENT OF REASONS FOR
GRANTING RELIEF SOUGHT

**STATEMENT OF FACTS; JURISDICTIONAL STATEMENT; STATEMENT OF
ISSUES AND RELIEF SOUGHT; AND STATEMENT OF REASONS FOR GRANTING
RELIEF SOUGHT**

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[It is] the core principle of republican government . . . that the voters should choose their representatives, not the other way around.

Arizona State Legislature v. Arizona Indep. Redistricting Comm'n, 576 U.S. 787, 824, 135 S. Ct. 2652, 2677, 192 L. Ed. 2d 704 (2015) (J. Ginsburg)

I. INTRODUCTION

Petitioners are a group of registered voters deeply concerned about their ability to democratically address the growing challenges that their islands and communities will face during the next ten years. While their interests and backgrounds are diverse, Petitioners came together through civic engagement to ensure that Hawai‘i voters during the next ten years “chose their representatives, not the other way around.”

Most of the Petitioners were enthusiastically engaged in the reapportionment and redistricting process for their islands this cycle, attending hearings, submitting written and oral testimony, and even preparing their own reapportionment plans. This level of inspiring engagement was not reciprocated by the 2021 Hawai‘i Reapportionment Commission (the “*Commission*”). During the course of 17 meetings, the Commission made a number of arbitrary decisions based on off-the-record conversations and a secretive redistricting process to ultimately adopt the 2021 Final Legislative Reapportionment Plan, which, without adequate explanation, ignored the criteria set by the Hawai‘i Constitution and Hawai‘i Revised Statutes (“*HRS*”).

Specifically, Article IV, Section 6 of the Hawai‘i Constitution requires that house districts be wholly included within senate districts, where practicable, and HRS Section 25-2 requires that legislative districts be wholly included in congressional districts, where practicable (together, the “*district within district requirements*”). The 2021 Final Legislative Reapportionment Plan overwhelmingly ignored these requirements, as 35 of 51 house districts

were not wholly included within a senate district and nine legislative districts out of 51 such districts on O‘ahu were not wholly included within congressional districts. *See App. A-1–A4* (final district maps). More importantly, however, the plan ignored these district within district requirements, when for this reapportionment cycle, it was eminently practicable to put two house districts into a senate district, as demonstrated by the various redistricting maps submitted by Petitioners, using the Commission’s own maps as a starting point.

The Commission’s shifting explanations for ignoring the district within district requirements were not reasonable, grounded in the relevant criteria, or tailored to explain specific deviations from those criteria. These poor rationalizations were compounded by the Commission unconstitutionally delegating its authority to redistrict to four commissioners, while exempting that group of four from giving public notice, maintaining minutes, or holding open meetings. Thus, the legislative maps were drawn almost entirely in secret with little revealed about such process to the public, or even the remaining five commissioners during the Commission’s open meetings.

The end result was a final legislative reapportionment plan that excluded the public, ignored constitutional and statutory criteria, and was not justified by the public record, except for pro-incumbency comments made by commissioners about trying to keep historic district lines the same and avoiding changes to senate maps. In other words, the 2021 Final Legislative Reapportionment Plan was drawn almost exclusively behind closed doors and ignored the district within district requirements, seemingly to favor certain incumbent legislators in direct violation of Article IV, Section 6, which provides that “[n]o district shall be so drawn as to unduly favor a person or political faction.” Haw. Const. art. IV, § 6 (2nd criterion).

The Hawai‘i Constitution and laws promise the public a reapportionment process based on criteria and requirements that seek to ensure impartiality and objectivity in the preparation of reapportionment plans and to avoid gerrymandering, unfairness, and partiality in the final maps. Such promises are fundamental to our representative democracy, particularly in times of political division and cynicism, because they ensure proper and effective representation. Based on these promises, Petitioners ask this Court to void the 2021 Final Legislative Reapportionment Plan and its publication, direct the Commission to prepare a new constitutionally compliant plan, and enjoin the acceptance of nominating papers for office in the State Legislature, until this Petition is resolved. Only this Court, not the Commission, has the power to keep alive those promises.

II. STATEMENT OF FACTS

A. Petitioners Are a Group of Registered Voters With Diverse Interests and Backgrounds United by Their Shared Complaints About the 2021 Reapportionment Process and Final Legislative Plan.

Petitioners are a group of 11 registered voters spanning three different basic island units.¹ Six petitioners are from the island of Hawai‘i, four are from the island of O‘ahu, and one petitioner is from the island of Maui. While the petitioners all have diverse interests, affiliations, and backgrounds, they all share a deep appreciation for the importance of the reapportionment process in a democracy. They also all have serious complaints about the transparency and constitutionality of the 2021 reapportionment process and final legislative plan.

Petitioner William M. Hicks is a retired Navy Captain with a combined 48 years of service both on active duty in the U.S. Navy and as the civilian Director or Deputy Director of

¹ For purposes of reapportionment, the Hawai‘i Constitution recognizes “four basic island units, namely: (1) the island of Hawai‘i, (2) the islands of Maui, Lāna‘i, Moloka‘i and Kahoolawe, (3) the island of O‘ahu and all other islands not specifically enumerated, and (4) the islands of Kaua‘i and Niihau.” Haw. Const. art. IV, § 4.

Submarine Operations at COMSUBPAC. Mr. Hicks has lived 28 of the last 36 years in the Enchanted Lake neighborhood in Kailua on O‘ahu. He has been registered to vote in Hawai‘i since around 2005, when he retired from active military duty and registered to vote soon thereafter. In the 2011 reapportionment, Mr. Hicks was assigned to House District 51 and Senate District 25. Mr. Hicks is also the Kailua Neighborhood Board Chair. Mr. Hicks first got involved in the 2021 reapportionment process when he learned that the Hawai‘i Reapportionment Commission had proposed that his House district wrap around beyond Makapu‘u Point into the Portlock neighborhood of Hawai‘i Kai. As further discussed below, Mr. Hicks submitted several proposed redistricting maps for O‘ahu to the Hawai‘i Reapportionment Commission for consideration. He did so to show both that the Makapu‘u wraparound House and Senate districts were unnecessary and that adhering to all constitutional criteria was both possible and preferable. His main complaint with the 2021 Final Legislative Reapportionment Plan is that it does not wholly include house districts within senate districts, making it less likely that elected officials will have a shared understanding of their community’s needs, complicating legislative coordination, and making it more difficult for neighbors to effectively advocate for their common interests to the Legislature. Altogether, these factors will diminish the effective representation of the people of Hawai‘i.

Petitioner Ralph Boyea was the Hawai‘i Division Chief of the Hawai‘i Government Employees Association when he retired. He has lived in Hawai‘i since 1974 and has been a politically involved registered voter since 1976. For over 45 years, he has lived on a two-acre lot in Puna on the Island of Hawai‘i. Since the 2011 reapportionment, Mr. Boyea has been assigned to House District 4 and Senate District 2. He first got involved in the 2021 reapportionment process when he learned that his rural community of large lots with no municipal sewage system,

paved roads, postal service, or high-speed internet would be part of a single house district together with parts of urban Hilo. Like Mr. Hicks, Mr. Boyea also submitted to the Commission various district maps for the island of Hawai‘i. These maps used the Commission’s proposed Senate maps as a starting point and divided each Senate district into two House districts that, unlike the 2021 Final Legislative Reapportionment Plan, did not submerge rural communities like his into urban areas, and did not cross senate lines. Mr. Boyea is particularly concerned about the 2021 Final Legislative Reapportionment Plan’s unexplained and arbitrary deviations from the constitutional criteria in Article IV, Section 6 of the Hawai‘i Constitution.

After retiring from a career in politics in California, Petitioner Madge Schaefer permanently moved to Hawai‘i 25 years ago. She now lives in Kihei on the island of Maui. Since moving to Hawai‘i, she has been registered to vote and has not missed an election. In the 2011 reapportionment, Ms. Schaefer was assigned to House District 11 and Senate District 6. While Ms. Schaefer was not particularly involved in the 2021 reapportionment process, she served in the Maui Advisory Council to the Hawai‘i Reapportionment Commission during the 2001 and 2011 reapportionment processes. Ms. Schaefer is bothered that the 2021 Final Legislative Reapportionment Plan does not include Maui’s house districts wholly within senate districts as the 2011 reapportionment plan did. She does not feel this discrepancy is in the best interest of her community, as legislation needs to pass both houses of the legislature, but under the new plan, the interests of her senator and house member will be, like the lines in their districts, misaligned.

Petitioner Michaela Ikeuchi was born and raised on the Island of Hawai‘i, where she still lives and is now a marketing manager. Upon turning 18, she registered to vote and was assigned to House District 5 and Senate District 3. As a Hawaiian and a Keauhou resident, Ms. Ikeuchi has deep concerns about the 2021 Final Legislative Reapportionment Plan and the submergence

of Native Hawaiian and poorer rural communities with wealthier coastal areas on the Kona coast. She wants her representatives to focus on increasing access to social services in underserved areas, ocean conservation, and water use issues, particularly in light of how overdevelopment and drought have led to sewage spills and water use restrictions in her community. Ms. Ikeuchi is also concerned that the 2021 reapportionment process disregarded residents' concerns about transparency and keeping communities together, and feels a responsibility to future generations to remedy that.

Petitioner Kimeona Kane, the director for community outreach at a local environmental non-profit and Waimānalo Neighborhood Board Chair, was born and raised on a dairy farm in the Waikupanaha area of Waimānalo on the island of O'ahu. While at first he was not interested in local politics, he began paying attention in 2018 and registered to vote for the first time around then. At that time, Mr. Kane was assigned to House District 51 and Senate District 25. Mr. Kane got involved in the 2021 reapportionment process because he wanted to ensure that Waimānalo and Native Hawaiians are properly and effectively represented at the Legislature and in Government. Like many in his community, he is fearful that rezoning will change the agricultural, conservation, and rural character of the lands in Waimānalo; that new luxury development across O'ahu will displace Native Hawaiian communities, including those living in homesteads; and that home values will make Waimānalo unaffordable to long-time residents and future generations of Waimānalo residents. Mr. Kane is concerned that the 2021 Final Legislative Reapportionment Plan squeezes Waimānalo between Hawai'i Kai and Kailua in the senate district, submerging his rural community into wealthier and more politically connected neighborhoods. He is also concerned that the 2021 Final Legislative Reapportionment Plan divides the Papakolea homestead into two separate house districts.

Petitioner Maki Morinoue is an artist, small business manager, and a fourth generation (Yonsei) Japanese-American from the Hōlualoa village on the island of Hawai‘i. After living in New York City for many years, she returned to Hōlualoa in 2016 and became a Hawai‘i registered voter shortly thereafter. Under the 2011 Final Legislative Reapportionment Plan, she was assigned to House District 6 and Senate District 3. Ms. Morinoue is concerned about preserving the agricultural character, water rights, and history of Hōlualoa as a village of farmers and paniolos, and part of the breadbasket of Hawai‘i. She is concerned that the 2021 Final Legislative Reapportionment Plan unnecessarily places Hōlualoa together with more dense coastal areas from Kailua-Kona to Hōnaunau, and that consequently rural and agricultural areas are not likely to be adequately represented at the Legislature.

Petitioner Roberta Mayor is a retired teacher and education administrator as well as the Hawai‘i Kai Neighborhood Board Chair. She was born and raised in Hawai‘i, but also lived and worked in California, and has been registered to vote in Hawai‘i ever since she returned to Hawai‘i after retiring in 2009. She was assigned to House District 17 and Senate District 25 by the 2011 Final Legislative Reapportionment Plan. The Hawai‘i Kai Neighborhood Board was the first to pass a resolution opposing the proposed 2021 Legislative Reapportionment Plan, which would have placed parts of Hawai‘i Kai in a house district together with Waimānalo and part of Kailua. As the Hawai‘i Kai Neighborhood Board Chair, she recognizes the importance of having senators and representatives who come from the Hawai‘i Kai community. For example, the 2011 Final Legislative Reapportionment Plan divided Hawai‘i Kai into two house districts and two senate districts, which, in turn, span three separate house districts each, with Hawai‘i Kai not having a plurality of the representation in either senate district. Thus, for the past ten years, her community has not had knowledgeable representation in the senate and she asserts that under the

2021 Final Legislative Reapportionment Plan that problem would continue for another ten years unless this court grants the relief requested in this Petition.

Petitioner Deborah Ward has lived in Hawai‘i for 55 years, including 40 years in Kurtistown on the island of Hawai‘i. She is a retired University of Hawai‘i extension educator and professor, a farmer of produce and ornamental plants, and recent chair of the Hawai‘i Island Group of the Sierra Club of Hawai‘i. Ms. Ward registered to vote around 1967 and worked on the campaign of Patsy Mink. Under the 2011 Final Legislative Reapportionment Plan, she was assigned to House District 3 and Senate District 2. She cares about the socio-economic challenges of her community, including homelessness, food insecurity, and lack of social services. She is concerned that the 2021 Final Legislative Reapportionment Plan would submerge rural communities on the island of Hawai‘i into urban communities with vastly different environmental and socio-economic interests.

Petitioner Jennifer Lienhart-Tsuji moved to Hawai‘i in 1995. She lives in Waikōloa Village on the Island of Hawai‘i and currently practices social work. She is keenly aware of the lack of resources outside of the urban centers of the island. For example, even though it is a growing residential area, Waikōloa lacks a library, a high school, and a police sub-station. High school students from Waikōloa have to travel by bus over 45 miles every day to the closest high school in Kailua-Kona. Waikōloa Elementary School is over-crowded and not prepared for the anticipated influx of new residents and children. The access roads to and from Waikōloa require much needed repairs and the formal establishment of safe evacuation routes, particularly because the community is at risk of wildfires nearly every year. The village is already growing exponentially south of Waikōloa Road. The 2021 Final Legislative Reapportionment Plan splits Waikōloa Village in half along that road. This is of great concern to Ms. Lienhart-Tsuji, as

Waikōloa Village's growing needs would have less focused house representation because the community is divided between two districts. It is also her opinion that the Reapportionment Commission did not take the concerns of the community seriously and that the reapportionment process was unnecessarily opaque and unaccountable to the public.

Petitioner Larry S. Veray is a retired Navy Command Master Chief with a combined 52 years of both active duty in the U.S. Navy and as a Scientific Engineering Technical Advisor assigned to the U.S. Indo-Pacific Command. Mr. Veray, now fully retired, has lived in Hawai'i for the past 34 years in the Waiau area of Pearl City. For the past 17 years, he has volunteered his time with the Pearl City Neighborhood Board, of which he is the current Chair. Mr. Veray got involved with the 2021 reapportionment process when he learned that the Hawai'i Reapportionment Commission had proposed that Pearl City be divided into four house and four senate districts. Previously, Pearl City had two house and two senate districts, which were already too many. Mr. Veray repeatedly testified before the Hawai'i Reapportionment Commission asking that Pearl City not be divided this way. He offered to discuss potential solutions with the Commission's technical committee, but he was never contacted by anyone associated with the technical committee. Mr. Veray is greatly concerned that his community will now have to contend with eight legislators, none of whom will necessarily be from Pearl City or make Mr. Veray's neighborhood their priority.

Petitioner Philip Barnes is a retired teacher who has lived in Hawai'i since 1998 and in Hilo for the past 10 years. Even though Mr. Barnes' home sits just across the Wailuku River—a mere three blocks away from Hilo's Post Office and Public Library—the 2021 Final Legislative Reapportionment Plan places him in a house district that runs from northern Hilo all the way to Waipi'o Valley, a distance of some 50 miles. From his perspective, his urban interests are out of

sync with the more rural interests of the rest of the Hāmākua coast, which is decidedly not urban. Mr. Barnes strongly believes the rural and agricultural areas, which historically have been submerged to Hilo and Kailua-Kona-centric political interests, should finally have adequate representation in the Legislature, so that they can receive much needed government support to achieve the unfulfilled promise of food sustainability in Hawai‘i.

B. Lack of Transparency and Other Irregularities Infected the 2021 Reapportionment Process from its Inception.

Beginning with its very first meeting, the 2021 Hawai‘i Reapportionment Commission suffered from various irregularities that seriously call into question the Commission’s independence, transparency, and accountability to the public throughout the entire reapportionment process.

The 2021 Hawai‘i Reapportionment Commission had its first meeting on April 13, 2021, for the purpose of appointing and electing the Chair. *See* App. B-2 (item IV); *see also* April 13, 2021, HRC Meeting Video at 16:07:12—16:31:00, *available at* https://youtu.be/SF6K7IoVY_0. A mere seven minutes into the meeting, Commissioner Nonaka was ready to nominate HMSA CEO, Mark Mugiishi for the post, explaining that he had private “initial conversations” with other commissioners about it already. April 13, 2021, HRC Meeting Video at 16:09:18—16:13:30.² In addition, in advocating for Mr. Mugiishi’s neutrality, Commissioner Nonaka admitted that “this is obviously a political process and there’s a lot of interest that, you know, weigh on the different members.” April 13, 2021, HRC Meeting Video at 16:10:42—16:10:01. After the nomination was made, the Commission on a five to three vote rebuffed Commissioner

² While Hawai‘i Revised Statutes allow for two or more members of a board, but less than a quorum, to discuss the selection of the board’s officers, this action went beyond the mere selection of officers as they were in fact also appointing a new board member. *See* HRS § 92-2.5(c).

Kennedy's efforts to allow an opportunity to consider other nominees. April 13, 2021, HRC Meeting Video at 16:24:29—16:28:39. After that, without any significant discussion about his qualifications, the Commission voted six to two to appoint Mr. Mugiishi as Chair. April 13, 2021, HRC Meeting Video at 16:11:39—16:12:15, 16:22:56—16:23:15, 16:28:39—16:30:28. After the vote, Commissioner Kennedy remarked in disbelief:

I can't imagine that that was a legal way to do that, so only because again we don't have the opportunity to nominate anybody else. You just nominate one person and then we vote and they win and that other people don't get consideration. So I'm just going to put that on the record that I'm not sure that that was handled correctly. You can add it to the minutes.

April 13, 2021, HRC Meeting Video at 16:30:28—16:31:02.

The appointment of Mr. Mugiishi as Chair based on private, off-the-record conversations was not the only irregular and secret action taken early on by the Commission. On its very next meeting, Chair Mugiishi proposed the formation of two permitted interaction groups (“**PIG**”), one to draft rules for the 2021 Reapportionment Commission based on the rules of the 2011 reapportionment process, and a second technical committee PIG for, according to the agenda, the “Preparation of Proposed Reapportionment Plans.” App. B-4 (item VII). In discussing these committees, Chair Mugiishi emphasized the importance that no more than four members be part of any committee in accordance with Sunshine laws pertaining to public meetings: “I can appoint you to those [committees]. However, because of Sunshine law rules, there can only be four commissioners on the committee Because there can only be four, I would ask that only one member from each appointing authority join any committee so that we will only have a maximum of four.” App. D-1:16-21. Some Commissioners then admitted that they had already spoken in advance about who would be in each committee. App. D-3:12-13. Commissioner Kennedy, who once again had not been part of the conversations among commissioners between

official meetings, then remarked with pointed concern: “How do you guys all know you’re supposed to talk before the meetings about things?” App. D-3:15-16. After voting on the creation of the two committees, Chair Mugiishi appointed Commissioners Nekota, Nonaka, Ono, and Rathbun to the technical committee PIG and Commissioners Kennedy, Chin, Chipchase, and Rathbun to the rules committee PIG. App. D-5:1-5.

A major change that avoided the application of Sunshine rules was introduced at the next meeting on July 6, 2021. The rules committee PIG proposed changes to the 2011 reapportionment rules so that PIGs would not have to meet publicly or be subject to notice, public comment, and record keeping, like they were supposed to do in 2011. App. H-14 (Rule 18). At the next meeting on July 20, 2021, the Commission received significant testimony raising concerns about secrecy, which Chair Mugiishi admitted had “a common theme about transparency.” July 20, 2021, HRC Meeting Video at 09:14:17, *available at* <https://youtu.be/ieL8vpM2HVV>. The Commission nevertheless approved the proposed rules without any open discussion about these major changes to the 2011 process. App. C-10 (item V); July 20, 2021, HRC Meeting Video at 09:17:00—09:33:42 (with almost 15 minutes in executive session). Thus, in a matter of three back-to-back meetings following the rushed appointment of Chair Mugiishi, a group of four commissioners from the technical committee PIG was put in charge of the Commission’s main constitutional mandate of preparing proposed reapportionment plans, while shielding the PIG from public view, record keeping, and accountability.

C. Proposal and Adoption of the Technical Committee PIG’s Initial Legislative Plan Ignored Public Testimony and District within District Requirements Without an Adequate Discussion or Explanation.

Due to COVID-19 delays in the Census data, on July 7, 2021, this Court granted the Commission two extensions: (1) to issue public notice of the Commission’s proposed legislative

and congressional reapportionment plans until January 8, 2022, and (2) to file the Commission's final legislative and congressional reapportionment plans with the Chief Election Officer no later than February 27, 2022. *See Hawai'i ex rel. Connors v. Haw. 2021 Reapportionment Comm'n*, SCPW-21-342, Dkt. No. 3 (July 7, 2021). The Census Bureau released its data to the states on August 12, 2021, and on August 26, 2021, the Commission held a meeting to review that data. App. B-10 (item VI).

During the meeting, reapportionment staff made a presentation explaining their method for extracting non-permanent residents from the Census data in accordance with this Court's decision in *Solomon v. Abercrombie*, 126 Haw. 283, 270 P.3d 1013 (2012). App. C-12. The presentation proposed extracting 64,415 non-permanent military residents and their dependents. App. I-1. This was a significant departure from the 2011 data, which had extracted 95,447 non-permanent military residents and their dependents. App. J-1–J-2. Thus, Commissioner Kennedy raised questions about the data's accuracy and asked whether “anyone [had] ask[ed] why 30% drop in military numbers since 2010?” *See* Aug. 26, 2021, HRC Meeting Video at 11:53:15—12:05:15, available at <https://youtu.be/zJIEaUx4Ip0>. Since no commissioner on the technical committee PIG had seriously inquired about the discrepancy, Commissioner Kennedy took it upon herself to do so. *Id.*

On September 9, 2021, the Commission held a meeting where the Commission voted to accept the permanent resident population base (and extractions) presented at the August 26, 2021, meeting. App. C-12 (item V). At that same meeting, there was a presentation on two proposed congressional reapportionment plans: (1) a plan that maintained precisely the same congressional districts approved in 2011 and (2) a plan that shifted a few census blocks around the Ko Olina and Barber's Point area from Congressional District 1 into Congressional District 2

to slightly lower the population deviation. *See* Sep. 9, 2021, HRC Meeting Video at 16:23:00 (slide), *available at* <https://youtu.be/GvQ90kYoBUU>. Finally, the Commission also voted on the Standards and Criteria for the reapportionment of congressional and legislative districts. App. C-15 (item VII); K-1–K-6. In addition to adoption of the constitutional and statutory criteria, including the district within district requirements, the standards and criteria for both the legislative and congressional maps added a preference for maintaining district lines, which presumably would benefit incumbents: “While not mandatory, it is beneficial in the development of plans if the existing boundaries can be used as a starting [point] which can be adjusted to reflect current data. This will facilitate tracking where changes have been made.” App. K-6.

At the next meeting, on October 14, 2021, the Commission approved the second congressional reapportionment plan with the lower population deviation. App. C-18 (item VI). At that meeting, there was also a presentation on the proposed legislative reapportionment plan. *Id.* (item VII). The presentation emphasized the bipartisan nature of the process, with “give and take from both parties,” and explained that “[t]he technical permitted interaction group worked very hard to minimize changes to existing district lines,” and used current districts “as their starting point.” *See* Oct. 14, 2021, HRC Meeting Video at 13:19:20—13:19:42 (Commissioner Ono discussing bipartisan nature of process), 13:25:40–13:26:00 (reapportionment staff discussing maintenance of existing lines), 13:28:30—13:28:39 (reapportionment staff discussing use of existing districts as starting point), 14:01:50—14:02:00 (Commissioner Nakota discussing give and take from both parties); 14:02:58—14:03:16 (Commissioner Nonaka discussing collaborative bipartisan process) *available at* <https://youtu.be/JaasLoc8FQI>. Discussion of the guidelines followed, including various constitutionally required standards—such as compactness, contiguousness, and non-submergence—but it was not mentioned that the technical committee

PIG considered or tried to follow the district within district requirements. Oct. 14, 2021, HRC Meeting Video at 13:44:20—13:46:35. The presentation and discussion also did not disclose with whom the technical committee PIG had communicated, what type of community outreach it had done, any fact findings supporting deviation from the constitutional and statutorily required standards, or details about what considerations the committee may have given more weight and why.

At the next meeting, on October 28, 2021, although the proposed plans had already elicited significant testimony against them, the Committee adopted the proposed legislative reapportionment plan without making any changes. App. C-20 (item VII). While various commissioners, including Commissioner Kennedy, expressed reservations about the proposed legislative plan, the vote was presented as an opportunity to move the process forward and trigger the 20-day notice period for public comment. Otherwise, they claimed if they made further changes and did “not approve the proposed maps [that day, they would] have to have a minimum of two more commission meetings before [they could] do it.” Oct. 28, 2021, HRC Meeting Video at 14:30:54—14:31:20, 14:36:00—14:39:30, available at <https://youtu.be/sqIqGwHca3Q>. This “problem” was created by the technical committee PIG, which, under Sunshine law, required the PIG “to bring another proposed plan [to the Commission, which would] then vote on it on a subsequent meeting.” *Id.* at 14:30:54—14:31:20; *see* HRS § 92-2.5(b)(1)(C) (requiring that deliberation and decision making on a matter investigated by a PIG take place at a duly noticed meeting subsequent to the meeting at which the findings and recommendations of the investigation are presented).

After holding 11 public hearings and receiving overwhelming testimony against the proposed legislative reapportionment plan, including from 11 neighborhood boards representing

about 300,000 people on O‘ahu, on December 22, 2021, the technical committee PIG presented a revised proposed legislative reapportionment plan. App. C-22 (item VIII); App. L-1–L25. Once again, the presentation did not disclose the individuals with whom the PIG had communicated, the type of community outreach it had done, any fact findings supporting deviation from the required standards and from public testimony, or details about the considerations to which the committee had given most weight.

With one minor exception, the revised plan made no changes to the senate maps for any island unit. *See* Dec. 22, 2021, HRC Meeting Video at 15:28:21—15:35:21, *available at* <https://youtu.be/9ApGyxKAu04>. The revised plan also made no changes to the house map for Kaua‘i, and it made only relatively small changes to the house maps for Maui and the Island of Hawai‘i, thus ignoring significant testimony in opposition from the latter island. *Id.* While the house map for O‘ahu did include some material changes—correcting, for example, the division of Mānoa Valley down the middle into two separate house districts—the maps did not address various issues raised by the neighborhood boards, including the proposal to have House District 51 wrap around Makapu‘u Point, joining parts of Kailua, Waimanalo, and Hawai‘i Kai together. App. M-1.

In defending the wraparound house district against significant testimony in opposition, Chair Mugiishi remarkably explained:

About House District 51, so one of the comments that Commissioner Ono made at the beginning was that this map creates some synergy between the senate map and the house map. And I guess what I’m trying to understand is why people would object to having a senator and a representative unified and representing their district. Because the legislative process, in order for anything to happen, you need both houses, both chambers of the legislature, to agree. And so, if you have a district that has synergy between the representative getting elected by the same constituency as the senator, you have a much better chance of

affecting meaningful change for your community. And so I guess I'm trying to understand why people would object to aligning their senate map and their house map. I would think that would be a wonderful thing to do.

App. D-6:1-10. After Commissioner Kennedy proposed changing the senate map to also fix the “horrible mistake” of making the senate district also a wraparound district 20 years ago, Chair Mugiishi defended the decision to not make any changes to the senate maps in cryptic, pro-incumbent terms: “Again, changing the senate map would be massively disruptive, right? Because, as you know, there are much fewer senators. So if you’re going to start to change the senate map, the whole island of O‘ahu will explode.” App. D-6:21-23.

D. Revisions to Permanent Resident Population Base Provided an Opportunity to Revise the Legislative Plan to Conform with All Constitutional Standards and Public Testimony.

Commissioner Kennedy’s request for additional information about the non-permanent resident military numbers proved constructive. After receiving additional data in October and November 2021 that cast doubt upon the initial military extraction numbers, on December 29 and 31, 2021, the Commission received additional data from the U.S. Department of Defense’s Defense Manpower Data Center (“**DMDC**”) confirming that there were around 99,967 military non-permanent residents that needed to be extracted from the Census data. App. N-1.

At the January 3, 2021, meeting, staff made a presentation to the Commission on the new DMDC numbers, explaining that the larger extraction would result in the shift of a house district from O‘ahu to the Island of Hawai‘i. App. N-1; App. C-24 (item VI). At the following meeting on January 6, 2022, Petitioner Hicks testified in detail about how the proposed maps failed to satisfy the constitutional criteria, including the district within district requirement:

The Constitution discusses wholly including house districts within a single senate district. On O‘ahu, the technical committee's final plan has four house districts that straddle four senate districts.

That's four cases where a single representative has to coordinate with four senators to represent the house district. There are another seven house districts on O'ahu that straddle three senate districts. In Maui County, there are three senate districts and six house districts, so it should be entirely practicable to exactly align two house districts fully within each senate district, but in no case was this done. Why not? Not once has an explanation been offered to the full commission or to the public as to why this constitutional provision has been disregarded.

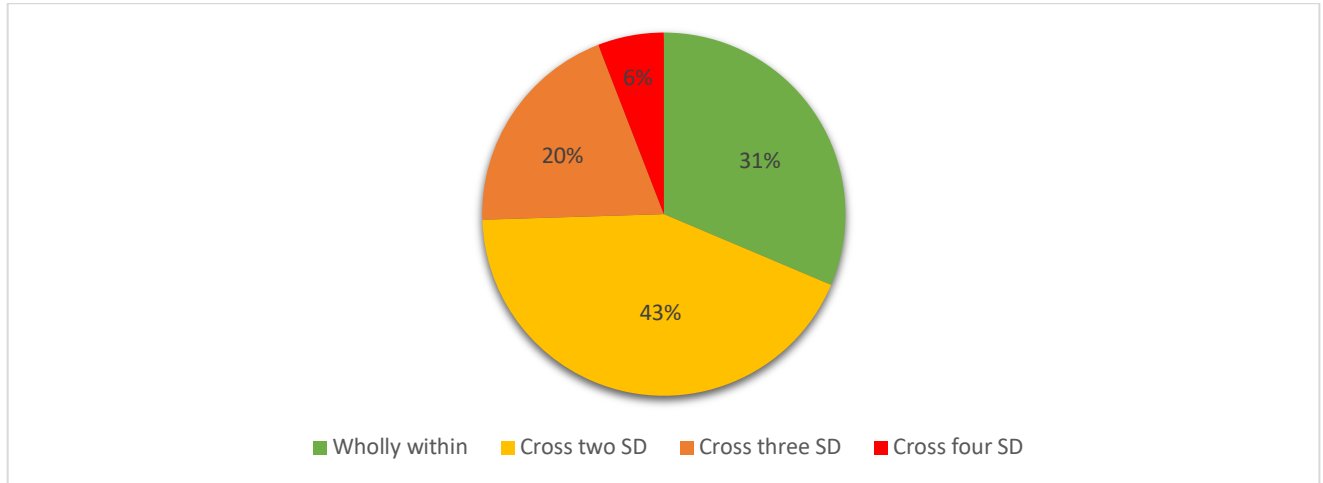
Jan. 6, 2022, HRC Meeting Video at 10:09:56—10:10:42, *available at*

<https://youtu.be/F4Of9MvQ5MA>. In turn, the Commission voted to accept the new extraction numbers and to revise all legislative maps. App. C-27–C-28 (items VI & VII). Thus, the Commission was given the perfect opportunity to listen to public testimony and conform its plans with all constitutional standards as Petitioner Hicks had just suggested. The commission failed to do so.

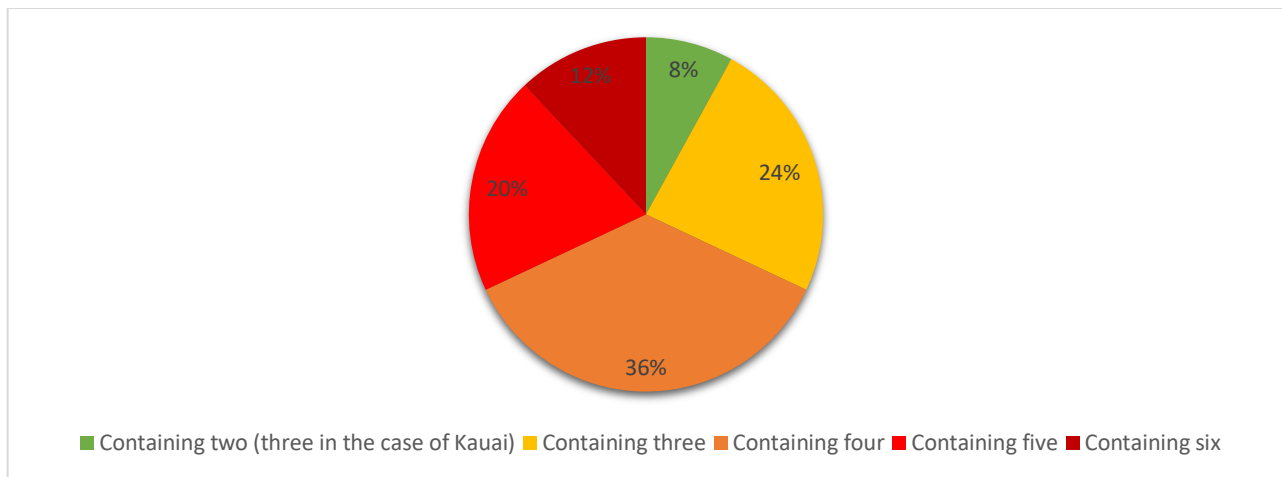
E. Proposal and Adoption of the Technical Committee PIG's Modified Legislative Plan Ignored Public Testimony and District within District Requirements Without an Adequate Justification.

On January 13, 2022, the technical committee PIG presented a new set of legislative plans to the Commission. The revised plans made no changes to the proposed legislative maps for Maui and Kaua'i, and also made no changes to the senate map for the Island of Hawai'i. App. O-1. Thus, the changes focused on the legislative maps for O'ahu and the house map for the island of Hawai'i. Only 16 out of 51 house districts (31%) and, by extension, two out of 25 senate districts (8%) satisfied the district within district constitutional requirement. App. P-1–P-2. Four house districts and five senate districts also crossed congressional lines. App. P-2.

Percentage of house districts that cross multiple senate districts



Percentage of senate districts containing two, three, four, five, or six house districts



At that January 13, 2022 meeting, several testifiers, including Petitioners Hicks and Boyea among others, testified against the revised plans and demanded an explanation for the Commission ignoring the district within district requirements. *See, e.g.*, Jan. 13, 2022, HRC Meeting Video at 13:34:40—13:38:00 (Petitioner Hicks testimony), 13:44:40--13:48:03 (Petitioner Boyea testimony), *available at* <https://youtu.be/p6JUIThMrfU>. In response to this chorus of complaints, various commissioners offered differing explanations for not wholly

including house districts within senate districts as required by the Constitution, none of them adequate, responsive, or compelling.

After presenting the revised plans, Commissioner Nonaka first attempted to explain the technical committee PIG's reasons for not following the district within district requirements. His explanation conflated facts and terms, making it difficult to follow and was nonsensical in the discussion of population imbalance and number of districts:

One more thing I wanted to just address and bring up for consideration. There was some comment made about the Congressional districts, not splitting house and senate districts, and house districts being inside of senate districts. And just from a practicality standpoint, the congressional districts are based on a dramatically different population base than the house and senate districts, right? So it's not possible, let alone practicable, to have the congressional districts wholly contain house and senate districts just because there's such an imbalance of population, right? Most of the population was extracted from CD1 and so you're going to have a big imbalance and it's just not going to match up to stay inside of the deviations. And the same is true of the house and the senate. We have an unequal amount of house and senate districts on O'ahu and so it's something that that would be difficult and you'd have to do it for some. It definitely wouldn't be possible for all. So if you start from that and make that a guiding principle, it's going to be hard to follow. So that's something that you know we're definitely aware of and we heard in the public comment process but was discussed and that's kind of conclusion we came to. It is not necessarily practical to make that happen.

App. D-8:1-14.

Following the public testimony, Commissioner Kennedy asked her colleagues for an explanation as to why the technical committee PIG did not follow the district within district requirements. This was the only substantive discussion that the Commission had in all of its 17 regular meetings about its reasons for ignoring the district within district requirement for 35 house districts and caused all but two senate districts to include more than the minimum number

of house districts. The discussion, which also did not adequately address these significant deviations in a meaningful or detailed way, is reproduced in full below:

Commissioner Kennedy: If I can get one of the commissioners from the technical committee to help us understand it, we'll stop moving forward a lot of testimony on that situation. So basically I'm just trying to make sure that the Commission—I wrote it down to make it easier—that we can address the senate districts crossing six house districts and vice versa, like with house 28 and 34. They're crossing four senate districts, right? So I feel like it would go a long way—Dyl or one of you guys—if you could just share that you actually did take that into consideration or if you didn't, why? Or how you guys put that together, just so everyone knows that you're looking at both sides of the law and trying to do this; you know to the best of your ability. But can you share your thoughts on how senate crossing house and house crossing senate was taken a look at?

Commissioner Nekota: I'd like to answer that Robin. Senator Kidani happens to be my senator. She now, in this right now, as we said, has five representatives in her senate district. They have worked very well together, done a whole lot of things for the community. And I just think having people working together like that is more important than just taking away numbers. I mean she will tell you quite honestly that it's worked very well for her. Got to know districts that maybe you would not know if you only had two. And I'm going to go back to what Clare [Tamamoto] said. We're one island, we all have one focus and it's to make life better. And she's brought up Red Hill and that is a huge, huge factor right now. Not only is it impacting Red Hill, but it's impacting all of our water and I think people are forgetting that that it's not just about one little community, but it is about the island.

Commissioner Nonaka: Let's also take into account that interpretation of the Constitution is everybody's opinion. And we can do all of the things that people say that or are commenting that are not constitutional. And then I can find six more reasons why once we make that change, it's not constitutional too. So again this goes back to not everybody's going to be happy. Clearly, after we address many things there's still many unhappy people, but I'm looking over the public submissions and I have been since they came in and you know I can point out just as many flaws and inconsistencies with the constitutional and statutory guidelines as anybody else can. I'm not going to individually criticize people's submissions, but the reality is that there are communities on those

maps that you know unite Hau‘ula with Waikele in central O‘ahu and I mean you do stuff like that, those communities would complain just as heavily as the ones that we’re hearing from in the last couple of months. So I just think there’s no way to satisfy everybody’s constitutional guideline or everybody’s interpretation of a constitutional guideline. And that’s why there’s “where practicable” language in the statute and we always got to make the best decision possible to meet those guidelines. And you know try and do the best job we can.

Commissioner Kennedy: I guess the bottom line is you guys did take that into consideration, it just wasn’t practicable.

Commissioner Nonaka: Yeah, you have to do it, you have to do a lot of arbitrary splitting. I mean there’s areas in these maps, where Waikele for example, in central O‘ahu is split into three different house districts. So again it just depends on where you’re looking. If you focus in on one area you can find things to criticize, you can find something in the constitution that it violates. But if you’re trying to do where practicable, all the way around deal with deviations, deal with keeping communities together. There’s a lot of communities who like the district that they have and don’t want to see it change very much and that’s something that we have to take into consideration too. If we just arbitrarily stick districts within other districts, it’s going to greatly change the historic districts that have existed for decades and so that’s another consideration that’s got to be taken into account. We don’t just arbitrarily draw lines to fit population bases and constitutional requirements that you know, our interpretation of a constitutional requirement, we got to take a lot of other things into account. And I fully respect everybody’s opinion that our job wasn’t perfect, but I don’t think anybody’s would be in everybody’s eyes.

Commissioner Kennedy: That’s awesome, thank you.

Chair Mugiichi: I think, you know, Commissioner Nakota, Commissioner Kennedy, Commissioner Nonaka, thanks for that discussion. Because I think what it articulates well is that we are as a Commission considering all of those statutory requirements and constitutional requirements that that is asked of us and we are doing our best to make sure to the extent that it’s practicable that we are following them. But sometimes they’re in conflict with each other and that’s where that’s why we have a commission rather than a computer program drawing these lines. It’s because human beings who are going to care about people and individual neighborhoods, are going to make judgment calls on what’s the

best way to make a practical decision about a conflict between two principles. And that's why I think again, and I've said it about four times already, but I really do appreciate the work of the technical committee because they've been doing this now for weeks, months, and for the last few days every single hour of the day to try and consider all of those factors. Because we're going to affect people and that's so we're going to follow the constitution, we're going to follow the law and we're going to do our best to take care of people. So thank you again. Commissioner Chun, you have your hand.

Commissioner Chun: Thank you, Mr. Chair. As you know I was not on the technical committee and I know the maps we're discussing have to do with the Big Island and O'ahu. But I just like to comment on this topic. I'd just like to comment on a generalization, an assumption concerning Maui that was raised in testimony that I would like to clarify and it kind of speaks to this discussion. So here on Maui, as an example, shifts in population and differing rates of growth in population between Central Maui and West Maui have necessitated the movement of a house district lines across large expanses of unpopulated lands essentially connecting Wailuku with Lahaina. And that said, the public in central Maui, which of course is our population center, has expressed an interest in at least at minimum having representation by a central Maui house member or a central Maui senator. So in order to meet this goal on Maui, it became infeasible to neatly and nicely align two house districts with one senate district as has been the case in the past and still meet the mandate of balancing populations between districts. So I would just submit on that it's not practicable or even preferable necessarily to be hamstrung with the idea of you know aligning two house districts and one senate district in every instance throughout the state of Hawai'i.

App. D-8:17–D11:7.

After the January 13, 2022, meeting, Petitioners Hicks and Boyea submitted two plans to the Commission for consideration: a senate map for O'ahu submitted on January 16, 2022 (the “*Hicks Plan*”) and a house map for the Island of Hawai'i submitted on January 19, 2022 (the “*Boyea Community Plan*”).³ App. E-1, F-1. Both plans were constructed in similar fashion. The

³ Both petitioners had previously submitted other plans, but this Petition will focus on these last plans submitted by each petitioner.

Hicks Plan took the technical committee PIG's last proposed house map for O'ahu as a starting point and then created senate districts simply by joining two house districts together. *See* Dec. of William M. Hicks at ¶¶ 7-8. The Boyea Community Plan, in turn, took the technical committee PIG's last proposed senate map for the Island of Hawai'i and then drew lines to divide each senate district into two roughly equally populated house districts while trying to keep communities together. *See* Dec. of Ralph Boyea at ¶¶ 7-8. The plans showed that including exactly two house districts within each senate district was not only practicable, but it was straightforward. In fact, both the Hicks and Boyea plans created maps with lower overall population deviations than the deviations in the technical committee plans. Furthermore, both the Hicks and Boyea plans provided for greater community continuity than did the technical committee plans.

On January 20, 2022, overwhelming testimony was presented against the technical committee's proposed plans, which included continued requests from residents that the district within district requirements be followed, and a request that the professional staff make a side-by-side comparison of the two O'ahu senate plans. Petitioner Hicks also submitted a PowerPoint presentation explaining his methodology for preparing the Hicks Plan and explaining how his plan better met the constitutional criteria. App. R-1–R-36. In response, the Commission had a general, non-substantive discussion that did not specifically address the statutory and constitutional requirements. App. D-12:1–D-14:7. Significantly, the Chair of the Hawai'i Advisory Council, Steven Pavao, testified about the Boyea Community Plan, acknowledging that it was a good, practicable plan that met the requisite constitutional requirements:

Good afternoon chair and commissioners. I just wanted to report that we did have a meeting [Hawai'i Advisory Council] on Tuesday night the 18th of January and that the majority testimony and testifiers were in favor of the Boyea plan for the Hawai'i

island. The commission had a lot of discussion about it. We did not vote to endorse any specific plan, but the commission did note that the plan does well meet the criteria. It does well in keeping communities intact. It does a good job of keeping two house districts in each senate district. The advisory commission noted all of that and thought that the plan, all in all, was a good plan and that it did meet the criteria. I realize that the criteria and constitution are guidelines. But where practical, what that plan presents to me is that it is practicable to meet most of the criteria. Given the reality of that plan, the commission noted the effort of the community that put the time and energy to create the plan. And again, as I said, we didn't endorse any specific plan, but we did acknowledge that the plan meets the majority of the criteria and does a good job in redistricting the eight house districts for the Big Island. Thank you.

App. D-14:12-25.

During the next two meetings, on January 21 and 22, 2022, the Commission continued to receive overwhelming testimony against its last proposed legislative plan, including from several of the Petitioners to this action. Several testifiers continued to question the Commission's failure to adhere to the constitutional district within district requirements. The Commission, however, did not respond to the testifiers or further comment on those legal requirements during either of these meetings. *See* Jan. 21 and 22, 2022, HRC Meeting Videos, *available at* <https://youtu.be/CAEYGuEa3Bk> and <https://youtu.be/aGfH7BvkqRE>.

On January 26, 2022, the technical committee PIG proposed a revised legislative reapportionment plan that only made very minor revisions to House Districts 48 and 49 from the maps they proposed on January 13, 2022. App. Q-1. In discussing the practicability of including house districts wholly within senate districts, like the Hicks and Boyea Community Plans did, Commissioners Kennedy and Nonaka had the following exchange. In doing so, Commissioner Nonaka apparently conceded that the Hicks and Boyea Community Plans were doable, but were

somehow now untimely, despite the fact that they were based on the technical committee's own plans for O'ahu house and Big Island senate districts.

Commissioner Kennedy: Dyl, I was just wondering is there any way, because obviously you guys have done a great job of handling the Makapu'u Point thing, Kailua, Waimanalo, Hawai'i Kai [relating to the house district, but not the senate district], you guys listened and we appreciate that. Is there any opportunity for any of the technical committee to please just try to communicate the whole Senate and House practicability, because I think that's obviously now we've moved on to that, you know, the majority of speakers are talking about. Is there anything you guys can help them understand so it can be less adversarial as far as why we couldn't follow those constitutional criteria, or that criteria? Is there anything you guys can help them understand with that?

Commissioner Nonaka: That essentially would be a redraw of the whole map and we'd have to, and we'd have to start over, and we would have a whole separate set of issues to deal with in terms of opposition to certain parts of it and details that people would have different opinions on. So I mean I get it, I totally understand the desire to do it. It's never been done in the past, and it's, you know, it's never had a crushing effect on elections or communities, so yeah, I think it's the more of an issue of timing and do we want to go down that road and redraw the whole map and start over again and, you know, potentially raise other issues, a whole set of separate issues that could come up.

Commissioner Kennedy: So when you take a look at Bill Hicks's or Mr. Boyea's, neither of those, because they've already done it, that doesn't help you guys? You'd really have to start over?

Commissioner Nonaka: We haven't had any public input on those maps, you know, I mean, the public hasn't looked at those and said, hey this is something I like or I don't like. I mean, there's people advocating for it, but they haven't examined in a close way just to criticize whether or not they, you know, it works and again, there's a whole separate set of issues when the Senate map's not perfect, the House maps is not perfect, and maybe some place in between works, right, a solution that bridges the gap in between the two, in between both of them. So, it was looked at, it's just, I mean, I think, do we really want to start over and pose a whole different map right now and not give the public time to comment on it.

App. D-15:3–29.

On January 28, 2022, after a thirteen-minute discussion, the Commission voted to approve the January 26, 2022, legislative reapportionment plan with Commissioner Kennedy as the only no vote against the plan. App. C-42 (item VI), D-17:1–D-21:15. During that brief discussion, Commissioner Nishimura, truthfully stated: “I would like to point out to everyone that we on Kaua‘i have been fortunate that we are probably one of the few that meet all of the criteria of the constitution, whether it be a guideline or a dictate.” App. D-20:6-8. Petitioners, who live in the other three island units, filed the instant petition not only to share in Commissioner Nishimura’s good fortune, but more importantly, to benefit from the proper application of Hawaii’s Constitutional and statutory law pertaining to redistricting.

III. JURISDICTIONAL STATEMENT

Because this matter arises under Article IV, Section 6 of the Hawai‘i Constitution and Petitioners are all registered voters who seek to compel the 2021 Reapportionment Commission to perform their duty and correct errors made in the legislative reapportionment plan, this Court has original jurisdiction under Article IV, Section 10 of the Hawai‘i Constitution to consider this Petition and take the necessary actions to grant effective relief under these sections.

IV. STATEMENT OF ISSUES AND RELIEF SOUGHT

A. Issues Presented

1. Without a compelling justification may the 2021 Final Legislative Reapportionment Plan violate Article IV, Section 6 of the Hawai‘i Constitution by substantially deviating from the requirement that house districts be wholly included in senate districts?

2. Without a compelling justification may the 2021 Final Legislative Reapportionment Plan violate Hawai‘i Revised Statutes Section 25-2 by deviating from the statutory requirement that legislative districts be wholly included in congressional districts?

3. Did the 2021 Reapportionment Commission violate its mandate under Article IV, Section 6 of the Hawai‘i Constitution by delegating the redistricting process to the technical committee PIG?

B. Relief Sought

1. As to the 2021 Final Legislative Reapportionment Plan

First, Petitioners request a judicial determination that the 2021 Final Legislative Reapportionment Plan is constitutionally defective and invalid, because it does not substantially comply with the constitutional requirement that house districts be wholly within senate districts, where practicable, and the statutory requirement that legislative districts be wholly within congressional districts, where practicable. Additionally, Petitioners request a judicial determination that the 2021 Final Legislative Reapportionment Plan is unconstitutional and invalid, because the 2021 Hawai‘i Reapportionment Commission impermissibly delegated the redistricting process to a technical committee permitted interaction group.

2. As to Respondent the 2021 Hawai‘i Reapportionment Commission

Second, Petitioners request a writ of mandamus directing the 2021 Hawai‘i Reapportionment Commission to prepare and file a new reapportionment plan for the State Legislature by a date certain that (1) complies with the standards and provisions of Article IV, Section 6 of the Hawai‘i Constitution and Hawai‘i Revised Statutes Section 25-2, including the district within district constitutional and statutory requirements, and (2) without impermissibly delegating the redistricting process to a technical committee permitted interaction group.

3. As to Respondent Scott Nago, Chief Elections Officer, State of Hawai‘i

Third, Petitioners request a writ of mandamus directing Scott Nago, Chief Elections Officer, State of Hawai‘i, to rescind the publication of the 2021 Final Legislative Reapportionment Plan filed on January 28, 2022, pursuant to Hawai‘i Revised Statutes Section 25-2(a).

4. As to Respondents Scott Nago, Chief Elections Officer, State of Hawai‘i and the State of Hawai‘i Office of Elections

Fourth and last, to both maintain the status quo and avoid irreparable harm, Petitioners request that this Court enter an order temporarily restraining Scott Nago, Chief Elections Officer, State of Hawai‘i, and the State of Hawai‘i Office of Elections from accepting nominating papers for office in the State Legislature until this matter is resolved.

V. STATEMENT OF REASONS FOR GRANTING RELIEF SOUGHT⁴

A. The Hawai‘i Constitution Requires that the Final Legislative Reapportionment Plan Follows All Constitutional Redistricting Standards to Ensure Impartiality and Objectivity in the Drawing of the Legislative Plan.

1. Plain Constitutional Language Requires that House Districts Be Wholly Included Within Senate Districts Whenever It is Practicable.

Article IV, Section 6 mandates that house districts shall be wholly included within senate districts for all island units, where practicable. The plain meaning of this section requires that the legislative reapportionment plan include house districts within senate districts, without house districts spanning two or more senate districts, whenever it is practicable.

⁴ Since this is an original proceeding, there is no applicable standard of review. *Kawamoto v. Okata*, 75 Haw. 463, 467, 868 P.2d 1183, 1186 (1994) (“Kawamoto’s application implicates the original jurisdiction of this court, and his equal protection argument presents a question of law. Therefore, there is no standard of review.”). In addition, because this Petition does not concern a legislative enactment by a co-equal branch of government, Petitioners should not be required to demonstrate a violation of the Hawai‘i Constitution beyond a reasonable doubt. *See Solomon*, 126 Haw. at 293, 270 P.3d at 1023 (holding that error in population base rendered the 2011 final reapportionment plan invalid).

Article IV, Section 6 of the Hawai‘i Constitution provides in full:

Upon the determination of the total number of members of each house of the state legislature to which each basic island unit is entitled, the commission shall apportion the members among the districts therein and shall redraw district lines where necessary in such manner that for each house the average number of permanent residents per member in each district is as nearly equal to the average for the basic island unit as practicable.

In effecting such redistricting, the commission shall be guided by the following criteria:

1. No district shall extend beyond the boundaries of any basic island unit.
2. No district shall be so drawn as to unduly favor a person or political faction.
3. Except in the case of districts encompassing more than one island, districts shall be contiguous.
4. Insofar as practicable, districts shall be compact.
5. Where possible, district lines shall follow permanent and easily recognized features, such as streets, streams, and clear geographical features, and, when practicable, shall coincide with census tract boundaries.
6. Where practicable, representative districts shall be wholly included within senatorial districts.
7. Not more than four members shall be elected from any district.⁵
8. Where practicable, submergence of an area in a larger district wherein substantially different socio-economic interests predominate shall be avoided.

Haw. Const. art. IV, § 6. This case primarily concerns the sixth criterion listed.

The canons of constitutional construction that apply to Article IV, Section 6 are clear:

Because constitutions derive their power and authority from the people who draft and adopt them, we have long recognized that the Hawai‘i Constitution must be construed with due regard to the intent of the framers and the people adopting it, and the fundamental principle in interpreting a constitutional provision is to give effect to that intent. This intent is to be found in the instrument itself.

⁵ This refers to multimember districts, *i.e.*, a single district electing two or more representatives or senators.

[T]he general rule is that, if the words used in a constitutional provision are clear and unambiguous, they are to be construed as they are written. In this regard, the settled rule is that in the construction of a constitutional provision the words are presumed to be used in their natural sense unless the context furnishes some ground to control, qualify, or enlarge them.

Moreover, a constitutional provision must be construed in connection with other provisions of the instrument, and also in the light of the circumstances under which it was adopted and the history which preceded it.

League of Women Voters of Honolulu v. State, 150 Haw. 182, 189, 499 P.3d 382, 389 (2021), *as corrected* (Nov. 4, 2021) (brackets in original) (quoting *Sierra Club v. Dep't of Transp.*, 120 Hawai'i 181, 196, 202 P.3d 1226, 1241 (2009)).

The meaning of the sixth criterion following the “where practicable” clause is plain enough: house district lines should not cross senate district lines and cannot lie in two or more senate districts. Even the Commission’s own standards and criteria make that clear. App. K-6 (“The state house of representative districts should be wholly included within the state senate districts. In other words, a representative district should not lie partly in one senate district and partly within another senate district.”).

In turn, the ordinary and legal meanings of the word “practicable” coincide. *Compare* PRACTICABLE, Black’s Law Dictionary (11th ed. 2019) (“reasonably capable of being accomplished; feasible in a particular situation”) *with* PRACTICABLE, Merriam-Webster Online Dictionary (“capable of being put into practice or of being done or accomplished : FEASIBLE”), *available at* <https://www.merriam-webster.com/dictionary/practicable>. Thus, the natural reading of the sixth criterion is that the house districts shall be wholly contained within senate districts where that is capable of being accomplished or feasible or being done, *i.e.*, doable. Conversely, an unexcused failure to follow this criterion, where it was practicable to do

so, as it was in this case, violates Article IV, Section 6 of the Hawai‘i Constitution and renders a reapportionment plan constitutionally invalid. *See Solomon*, 126 Haw. at 293, 270 P.3d at 1023 (invalidating the reapportionment plan because it did not utilize the total number of permanent residents under Article IV, Section 4 of the Hawai‘i Constitution).

2. The redistricting standards of Article IV, Section 6 seek to ensure impartiality and objectivity in the drawing of districts and to provide this Court with a standard to review claims of gerrymandering, unfair or partial redistricting, such as in Petitioner’s claims.

The intent of the framers of Article IV, Section 6, as evidenced by the relevant constitutional convention papers, further supports the proposed plain language interpretation of the district within district requirement.

“In order to give effect to the intention of the framers and the people adopting a constitutional provision, an examination of the debates, proceedings and committee reports is useful.” *Nelson v. Hawaiian Homes Comm’n*, 127 Hawai‘i 185, 198, 277 P.3d 279, 292 (2012) (citations omitted). Here, the eight criteria of Article IV, Section 6 were first enacted with the Hawai‘i Constitution of 1968 and have not changed since. *Compare* Haw. Const. art. III, § 4 (1968) (subsection on “Apportionment within basic island units”) *with* Haw. Const. art. IV, § 6.

The standing committee report on reapportionment from the 1968 constitutional convention explains the following about these criteria:

Your Committee has also placed in this section a number of guidelines for the reapportionment commission to follow when redistricting. These are largely the same as the criteria initially adopted by your Committee for its own districting and discussed in section III, subsection 7 (b), *supra*. It is not intended that these guidelines be absolute restrictions upon the commission excepting for numbers 1, 2, 3 and 7 which are stated in mandatory terms. The remainder are standards which are not intended to be ranked in any particular order. Rather, your Committee believes that they are matters that should be considered in any decision concerning districting and that the balance to be struck among them is a matter

for case-by-case determination. The inclusion of these guidelines is intended to aid the reapportionment commission in maintaining impartiality and objectivity in its own reapportionment plan and to provide the courts with a standard for review of claims of gerrymandering or other unfair or partial result in the apportionment plan.

Supp. Stand. Comm. Rep. No. 58, in 1 Proceedings of the Constitutional Convention of Hawai‘i of 1968 (“*Proceedings*”), at 265 (1973).⁶

From this history, it is clear that the redistricting standards of Article IV, Section 6 seek to maintain impartiality and objectivity in the redistricting process. Proceedings at 265. While

⁶ The relevant portion in section III, subsection 7(b) of the Committee Report referenced in this paragraph provides the following about the district within district requirement as the Committee applied it to its own redistricting efforts:

Except where districts constitute entire islands or counties, the senate districts should be larger than representative districts, and senate district lines should avoid cutting across a house district. The traditional concept of bicameralism that senate districts shall be larger than house districts was retained by your Committee. Your Committee, however, sought to draw senate district lines in such a fashion that they fell along representative district lines and cut across no representative district. The adopted plans successfully follow this policy, except in one minor instance. This criterion is adopted in a more general, less restrictive manner for future reapportionment.

Proceedings at 247 (italics in original). From this paragraph, it is clear that the Committee on reapportionment sought to strictly follow the district within district requirement in drawing lines “except in one minor instance.” Thus, Commissioner Nonaka’s comment that placing house districts within senate districts has “never been done in the past” is simply wrong. App. D-15:14-15. Admittedly, the Committee also adopted this standard “in a more general, less restrictive manner for future reapportionment.” Proceedings at 247. This makes sense, because there are situations where it is simply not possible to wholly fit house districts within a senate district. For example, when there are seven house districts and four senate districts, as was the case on the Island of Hawai‘i after the 2011 reapportionment. That being said, this does not mean that this requirement can simply be ignored. Instead, as the Committee Report explains it “should be considered in any decision concerning districting” and be considered by this Court “to review of claims of gerrymandering or other unfair or partial result in the apportionment plan.” Proceedings at 265.

the criteria, including the district within district requirement, are not all meant as “absolute restrictions,” these standards must and should be followed when practicable, because they “provide the courts with a standard for review of claims of gerrymandering or other unfair or partial result in the apportionment plan.” *Id.* This same purpose is also evidenced by the other criteria.⁷

For instance, the second criterion in Section 6 states that “[n]o district shall be so drawn as to unduly favor a person or political faction.” *See* Haw. Const. Art. IV, § 6. While this standard is mandatory, it is also difficult to enforce, because a plan favoring a person or political faction will not necessarily be obvious on the face of the plan. On the other hand, lack of compliance with the district within district requirement is rather obvious, as it is an entirely objective criterion, which this Court can easily assess. Thus, compliance with it and the remaining criteria is important, as the unexplained failure to follow them when practicable likely entails that the final plans, in fact, tend to favor a person or political faction. In other words, as the Constitutional Convention’s Committee Report explains, this Court must assess a reapportionment plan’s level of compliance with each of the criteria to guard against gerrymandering, submergence, unfairness, and partiality.

3. Deviation from the Article IV, Section 6 redistricting standards must be justified in relation to a compelling need to comply with other constitutional standards or provisions.

The Constitutional Convention’s Committee Report also makes clear that deviations from the Article IV, Section 6 redistricting standards should be justified in relation to a compelling

⁷ While Article IV, Section 6 provide that “the commission shall be guided by [the] criteria,” the Constitutional Convention’s Committee Report makes clear that this guidance was not merely directory as four of the criteria are strictly mandatory and the rest have to be followed unless not practicable because they conflict with other constitutional criteria. Proceedings at 265.

need to comply with other constitutional standards. In other words, this Court and the Reapportionment Commission should not look beyond those standards and the Constitution, or create their own standards, to justify deviations from what is required by law.

While four of the criteria are mandatory, the report states that “[t]he remainder are standards which are not intended to be ranked in any particular order” and that “the balance to be struck *among them* is a matter for case-by-case determination.” Proceedings at 265 (emphasis added). Thus, the use of the word “practicable” and “possible” in different criteria are not meant to rank the standards in any way. Additionally, while not all of the standards are mandatory, the Constitutional Convention Committee recognized that there could be trade-offs and a balance to be struck *among* the remaining standards. Thus, any deviations from the Article IV, Section 6 redistricting standards should be justified in relation to a compelling need to comply with other constitutionally mandated requirements. This means that in reviewing this Petition, this Court should not accept as justification from the Commission any rationale for not following the district within district requirement that is not firmly grounded in the need to comply with other constitutional criteria. *See* Proceedings at 265 (“The inclusion of these guidelines is intended to aid the reapportionment commission in maintaining impartiality and objectivity in its own reapportionment plan and to provide the courts with a standard for review of claims of gerrymandering or other unfair or partial result in the apportionment plan.”).

B. Hawai‘i Revised Statutes Section 25-2 Also Requires that Legislative Districts Be Wholly Included Within Congressional Districts.

The Hawai‘i Revised Statutes chapter on reapportionment also imposes a duty on the Reapportionment Commission to follow certain criteria for effecting the redistricting of congressional districts. In this respect, HRS Section 25-2(b) provides in the relevant part:

Congressional reapportionment. At times that may be required by the Constitution and that may be required by law of the United States, the commission shall redraw congressional district lines for the districts from which the members of the United States House of Representatives allocated to this State shall be elected. The commission shall first determine the total number of members to which the State is entitled and shall then apportion those members among single member districts so that the average number of persons in the total population counted in the last preceding United States census per member in each district shall be as nearly equal as practicable. In effecting the reapportionment and districting, the commission shall be guided by the following criteria:

- (1) No district shall be drawn so as to unduly favor a person or political party;
- (2) Except in the case of districts encompassing more than one island, districts shall be contiguous;
- (3) Insofar as practicable, districts shall be compact;
- (4) Where possible, district lines shall follow permanent and easily recognized features such as streets, streams, and clear geographical features, and when practicable, shall coincide with census tract boundaries;
- (5) Where practicable, state legislative districts shall be wholly included within congressional districts; and
- (6) Where practicable, submergence of an area in a larger district wherein substantially different socio-economic interests predominate shall be avoided.

HRS § 25-2(b). These are the same criteria from Article IV, Section 6 of the Constitution with only two criteria missing: (1) the requirement that district lines do not extend beyond basic island units, which would not be feasible for two congressional districts and four basic island units, and (2) the requirement that no more than four members be elected from a single district, which would not be applicable. *See* Haw. Const. art. IV, § 6, criteria 1 & 7. Thus, the statute seeks to apply to congressional redistricting the same criteria that apply to legislative redistricting.

The legislative history of HRS Section 25-2 confirms these central principles. The 1968 Hawai‘i Constitution did not delegate the drawing of congressional district lines to the Reapportionment Commission. *See* Haw. Const. art. III, § 4 (1968). The 1978 Hawai‘i

Constitution changed that by moving the reapportionment section from Article III and adding the following provision to a new Article IV: “The commission shall, at such times as may be required by this article and as may be required by law of the United States, redraw congressional district lines for the districts from which the members of the United States House of Representatives allocated to this State by Congress are elected.” Haw. Const. art. IV, § 9; *see also* Stand. Comm. Rep. No. 46, in 1 Proceedings of the Constitutional Convention of Hawai‘i of 1978, at 601 (1980) (“Section 4 was removed from Article III because your Committee amended the section to empower the reapportionment commission to redraw congressional districts in addition to the reapportionment of the state legislature.”). After this change, in 1979, the Legislature amended the Hawai‘i Revised Statutes Section 25-2, adding the six criteria listed above for congressional redistricting, for the explicit purpose of “conform[ing] the Hawai‘i Revised Statutes to the Hawai‘i State Constitution as amended by the Constitutional Convention of 1978.” 1979 Haw. Sess. Laws Act 51, § 1 at 94. Thus, the congressional districting criteria in HRS Section 25-2(b) must be interpreted in tandem with the legislative criteria in Article IV, Section 6 of the Hawai‘i Constitution.

Pursuant to the prior analysis, this means that under the plain reading of the statute, legislative districts must be wholly contained in congressional districts whenever feasible, *i.e.*, doable, and that deviations from this standard must be justified in reference to the need to follow other constitutional or statutory standards.

C. The Final Legislative Reapportionment Plan Failed to Follow the District within District Requirements under the Hawai‘i Constitution and Hawai‘i Revised Statutes.

1. The Final Reapportionment Plan substantially deviated from the constitutional district within district requirement

The 2021 Final Legislative Reapportionment Plan places 35 house districts (68.6%) in two or more senate districts, and, by analogy, all but two senate districts (92%), one being Kauai, do not satisfy the district within district requirement. App. A-1–A4; P-1–P-2.⁸ Here, more than 68 percent of house districts do not comply with the district within district requirement, and, by extension 92 percent of senate districts contain more than the minimum achievable number of house districts. Given that all 51 House districts are reasonably able to be fully contained within one senate district, due to each island group other than Kaua‘i having an even number of House districts for the 2021 reapportionment cycle, the fact that 35 House districts are not compliant with the standard demonstrates a total disregard for and lack of an honest and good faith effort to comply with the constitutional requirement to draw house districts wholly within senate districts where practicable. *Cf. Solomon*, 126 Haw. at 294, 270 P.3d at 1024 n. 8 (“Apportionment under article IV, section 6 requires the Commission to make an honest and good faith effort to construct districts as nearly of equal population as is practicable.” (cleaned up)).

⁸ While the Petition does not challenge the population deviations for the final districts, population deviation cases may be instructive in assessing compliance with the district within district requirements. For purposes of determining whether a plan complies with the requirement that “the average number of permanent residents per member in each district [be] as nearly equal to the average for the basic island unit as practicable,” deviations of more than 10 percent from the target population base are treated as constitutionally suspect. *See* Haw. Const. art IV, § 6; *cf. Citizens for Equitable & Responsible Gov’t v. Cty. of Hawai‘i*, 108 Haw. 318, 336, 120 P.3d 217, 225 (2005), *amended on reconsideration in part* (Sept. 22, 2005) (in a case involving county districts, not legislative districts, “an apportionment plan with a maximum population deviation under 10% falls within this category of minor deviations. A plan with larger disparities in population, however, creates a prima facie case of discrimination and therefore must be justified by the [s]tate.” (citations omitted)).

2. The Final Legislative Reapportionment Plan deviated from the statutory district within district requirement

The 2021 Final Legislative Reapportionment Plan also places four O‘ahu house districts and five O‘ahu senate districts into both congressional districts. App. A-4; P-2. This amounts to 11.8 percent of all legislative districts not complying with the statutory district within district requirement. However, because neighbor island districts do not touch the border between Hawaii’s two congressional districts, a better measure of compliance would be based on the 51 legislative districts on O‘ahu, in which case, the percentage of non-compliant districts increases to 17.6 percent. While not quite as dramatic as the non-compliance percentage for the district within district constitutional requirement, the number and percentage of legislative districts that do not comply with HRS § 25-2(b)(5) one in six on O‘ahu—is substantial.

3. Alternative plans submitted by the public show that it was practicable to wholly include House districts within Senate districts and Legislative districts within Congressional districts.

While placing all house districts wholly within senate districts may not always be doable for every island unit, in this current reapportionment cycle, it is. Indeed, where there are an even number of house districts in an island unit, it will generally be feasible, *i.e.*, doable, to put exactly two house districts together to form each senate district as the Hicks Plan for O‘ahu senate districts and Boyea Community Plan for the Island of Hawai‘i house districts do. App. E-1, F-1. Doing so makes sense, because if the proposed house and senate districts satisfy the remainder of the requirements, as the 2021 Reapportionment Commission claims they do, then drawing the senate map based on the house map or vice versa is relatively straightforward and quite practicable. Indeed, the 2021 Final Legislative Reapportionment Plan’s non-compliance with the district within district requirements are particularly egregious when examined next to the Hicks Plan for the O‘ahu senate districts, the Boyea Community Plan for the Island of

Hawai‘i house districts, and the Reapportionment Commission’s 2012 Legislative Plan for Maui County, where all house districts are fully contained within a senate district.

Similarly, building the congressional districts using the legislative districts will cause all but one house or senate district to be wholly contained within a congressional district. In this current reapportionment cycle, it is practicable and easily doable to use exactly 25 O‘ahu house districts to form Congressional District 1 and utilize exactly 9 O‘ahu house districts to form the O‘ahu portion of Congressional District 2. Thus, it is practicable and doable for all 51 house districts and 24 of 25 senate districts to be wholly contained within a congressional district.

Petitioner Hicks demonstrated this in the submission of his own congressional map based on the house districts drawn by the 2021 Reapportionment Commission.⁹ *See* App. G-1. The construction of a congressional plan in this manner further demonstrates that drawing a congressional map that complies with HRS Section 25-2(b)(5) is not only relatively simple, but is also practicable.¹⁰ Notwithstanding the commissioners’ vague statements to the contrary, there is no conflict or trade-off between the district within district requirements and the rest of the constitutional and statutory criteria.

⁹ Due to the difference in population bases used for congressional and legislative reapportionment, Petitioner Hicks’ congressional map is able to fit 25 house districts into Congressional District 1 and 26 house districts into Congressional District 2 while keeping the overall deviation under one percent. App. G-1. That being said, a single senate district from the Hicks Plan does cross over the congressional dividing line on O‘ahu. This constitutes a 1.9% deviation from the standard by looking at the legislative districts on O‘ahu alone.

¹⁰ Based on Petitioner Hicks’ experience preparing alternative district maps, it is his strong opinion that the best sequence for developing the legislative and congressional plans is to draw the house districts first, applying all eight constitutional criteria, because they are the smallest districts and subsequent building blocks. Next, draw the senate districts, applying all eight criteria and, when there are an even number of house districts in an island group, using two adjacent house districts to form each senate district. Finally, construct the congressional districts by applying all six HRS Section 25-2 criteria and using the house districts as building blocks. If the congressional districts are built first, they impose unnecessary constraints upon the development of the legislative districts. Thus, it is likely desirable to redraw the congressional plan after the legislative plan is developed.

D. The Final Legislative Reapportionment Plan Failed to Adequately Justify the Non-Compliance with the Constitutional Requirement that House Districts be wholly Included in Senate Districts and the Statutory Requirement that Legislative Districts Be Wholly Included Within Congressional Districts.

1. This Court, not the 2021 Hawai‘i Reapportionment Commission, is the final arbiter of the meaning and application of Article IV, Section 6 of the Hawai‘i Constitution and HRS Section 25-2.

Article IV, Section 10 and its constitutional history make abundantly clear that this Court, not the Reapportionment Commission, is the final arbiter of the meaning of Article IV, Section 6 of the Hawai‘i Constitution and HRS Section 25-2, as well as their application to the Final Legislative Reapportionment Plan.

In addition to explaining that the courts should use the constitutional criteria to ensure there is no “gerrymandering or other unfair or partial result in the apportionment plan,” the relevant 1968 Constitutional Convention Committee Report explains the purposes of now Section 10 of Article IV as follows: “Judicial review is provided in the form of a mandamus to require the commission to do its work, correct any error or effectuate the purposes of the reapportionment provisions contained in the Constitution. The grant of power to review is designedly broad, permitting the court to fashion its own remedies to fit the exigencies of the situation.” Proceedings at 266. Thus, as it is traditionally the case, it is this Court’s prerogative and responsibility to interpret the constitutional and statutory reapportionment criteria, ensure that the Commission properly did its work by following these requirements, and decide whether the final plans were drawn in an impartial and objective way. *See Sierra Club v. Dep’t of Transportation of State of Hawai‘i*, 120 Haw. 181, 196, 202 P.3d 1226, 1241 (2009), as amended (May 13, 2009) (“Our ultimate authority is the Constitution; and the courts, not the legislature, are the ultimate interpreters of the Constitution. It is the concept of the Constitution as law, and

the judiciary as the institution with responsibility to interpret the law, which remains the cornerstone of judicial review today.” (citations omitted)).

2. Substantial deviations from district within district requirements lacked adequate justification and rendered the 2021 Final Legislative Reapportionment Plan invalid.

The 2021 Final Legislative Reapportionment Plan failed to substantially comply with the district within district requirements, even though it was fully practicable to do so. In the course of 17 meetings, the Reapportionment Commission did not offer any valid justification for such substantial deviation. Thus, this Court should find that the final legislative plan is invalid and direct the Commission to prepare a new plan. *See Solomon*, 126 Haw. at 293, 270 P.3d at 1023 (holding that error in population base rendered the 2011 final reapportionment plan invalid and directing commission to prepare a new plan).

As explained above, deviation from the constitutional and statutory standards should be justified in relation to the need to comply with other constitutional or statutory standards. Those are the only types of compelling interests that this Court should accept. Proceedings at 265; *cf.*, *Brown v. Thomson*, 462 U.S. 835, 845-46, 103 S.Ct. 2690, 2697-98, 77 L.Ed.2d 214 (1983) (requiring that population deviations of more than 10 percent be justified by a neutral and consistently applied legitimate government interest). Additionally, general and vague justifications that are not tailored to the need to comply with the competing standard should be rejected, particularly here, where the deviations from the district within district requirements are so significant. Otherwise, the standards would be rendered optional, and this Court would not be able to ensure there is no “gerrymandering or other unfair or partial result in the apportionment plan.” Proceedings at 265.

The Hicks and Boyea plans show that in this reapportionment cycle, there is little to no trade-off between the district within district requirements and the remainder of the statutory and constitutional criteria. Because there are an even number of house districts in each of the island units challenged by Petitioners,¹¹ so long as either the senate or house maps comply with the remaining criteria, as the Commission claims their maps do, it is easy to draw a complementary map that either divides the senate districts in half to create house districts as the Boyea Community Plan does for the Island of Hawai‘i, or connects two house districts to form the senate districts, as the Hicks Plan does for O‘ahu. Therefore, in this reapportionment cycle, there is no reason to not comply with the district within district requirements.

The Commission did not offer any specific criticisms of the Hicks Plan or the Boyea Community Plan. Nor could they; they would be criticizing *their own* House map for O‘ahu as well as *their own* Senate map for the Island of Hawai‘i, on which the Hicks and Boyea plans were based. The closest the Commission came to offering a reason for not using the Hicks and Boyea plans is that there was not enough time to do so, because these maps had not received sufficient public input. App. D-15:23-23. This “justification” is not persuasive for at least three reasons.

First, the Commission’s Senate map for the Island of Hawai‘i that the Boyea Community Plan was based on and the House map for O‘ahu that the Hicks Plan was based on had received substantial public input. Indeed, the Commission presented their Senate map for the Island of Hawai‘i on December 22, 2021, and their House map for O‘ahu on January 13, 2022.

Second, the Commission made significant changes to the redistricting House maps for the Island of Hawai‘i and O‘ahu after voting on changing the population base on January 6, 2022.

¹¹ While on Kaua‘i there are three house districts, they all fit within its single senate district.

However, it was able to adopt a new plan by January 28, 2022, which was just over two weeks after their plans based upon the new population base were proposed on January 13, 2022. In other words, there was ample time to consider the Hicks and Boyea plans.

Third, timing cannot be a compelling reason to violate the constitution, particularly when the Commission was on notice regarding the constitutional deficiencies since at least January 6, 2022, and there was still plenty of time to make adjustments to the maps. *See* Jan. 6, 2022, HRC Meeting Video at 10:09:56—10:10:42 (Petitioner Hicks’ testimony). Allowing the constitutional violations to persist because of lack of time would result in Hawai‘i residents having to live with unconstitutional plans for the next ten years.¹²

Leaving aside platitudes about considering all the constitutional criteria and not being able to follow all of them at once, the Commission’s justifications offered on the record also all fail, because they were not compelling, grounded in the relevant criteria, or tailored to a specific deviation. Indeed, the justifications are revelatory in how often they suggest consideration of the interests of incumbents.

Commissioner Nakota’s statement that *her* senator, an incumbent with whom she claims to have had private discussions, likes working with five house district representatives is neither related to any compelling governmental or citizens’ interest, nor grounded in the Constitution.

App. D-8:27–D-9:6. Similarly, Commissioner Nonaka’s shifting explanations boil down to

¹² To the extent this Court is also concerned about there being insufficient time to remedy the constitutional violations, Petitioners urge that for the reasons discussed there is still time to do so. Moreover, Petitioners have filed this Petition prior to the February 27, 2022, deadline for the Commission to file a final plan under this Court’s order extending the Commission’s deadline. That being said, if the Court is not inclined to intervene because of the upcoming election deadlines, Petitioners respectfully request that the Court retain jurisdiction to remedy the constitutional violations discussed in this Petition so that the elections in 2024 be held under revised reapportionment plans that comply with the district within district requirements.

(1) the population bases of congressional and legislative districts are different, which, as explained above, does not justify ignoring HRS Section 25-2, *see* App. D-8:3-7, *supra* at 40 n.9;

(2) “an unequal amount of house and senate districts on O‘ahu,” which possibly means that the numbers of house and senate districts do not allow for putting all house districts in senate districts, but in this reapportionment cycle the numbers allow doing so, *see* App. D-8:9-12; and

(3) the Commission’s unwillingness to “draw lines to fit population bases and constitutional requirements, [because the Commission] got to take a lot of other things into account,” which leaves to the imagination what those “other things” may be. App. D-10:3-5. Additionally, none of these explanations are specific to any identified constitutional deviation.

The closest to a justification for deviating from the district within district requirement for a specific district came from Commissioner Chun, who explained that shifts in population and the need to have “a central Maui house member or a central Maui senator” made it “infeasible to neatly and nicely align two house districts with one senate district as has been the case in the past and still meet the mandate of balancing populations between districts.” App. D-10:27–D-11:7. This is not true, however. For example, it would be easy to give central Maui both a house member and a senator by joining House Districts 9 and 10 in the Commission’s map for Maui to form Senate District 5, and then construct the remaining senate districts from house districts in the same manner as was employed in the 2012 reapportionment cycle. Doing so would not create unbalanced populations between districts, as Commissioner Chun claimed, because each house district has roughly the same population to begin with.

Commissioner Nonaka, the Commission’s guidelines, and even the Reapportionment Commission’s professional staff expressed a preference on the part of the Commission to preserve existing district boundaries wherever possible, with Commissioner Nonaka remarkably

claiming without any evidentiary basis that sticking districts together is “going to greatly change the historic districts that have existed for decades.” App. D-10:1-2, K-6; Oct. 14, 2021, HRC Meeting Video at 13:25:40-13:26:00 (reapportionment staff discussing maintenance of existing lines), 13:28:30—13:28:39 (reapportionment staff discussing use of existing districts as starting point). This “preference,” which was also offered as an explanation for not complying with the district within district requirements, is not supported by the relevant constitutional and statutory provisions and would be likely to benefit incumbents. The drawing of boundaries to the advantage of individuals or political parties is explicitly prohibited by Article IV, Section 6, and this requirement, which is mandatory, applies to incumbents as a group as well.

Instead, it would appear that this “preference” was deemed by the Commission to be more important than the district within district requirements and consequently, the Commission was compelled to make dramatic changes to house districts due to population changes, but did not adjust senate districts accordingly, in an apparent effort to keep senate district lines the same. Chair Mugiishi admitted as much when he stated: “Again, changing the senate map would be massively disruptive, right? Because, as you know, there are much fewer senators. So if you’re going to start to change the senate map, the whole island of O‘ahu will explode.” App. D-6:21-23. This is precisely the type of gerrymandering, unfair, and partial result that the constitutional and statutory criteria was intended to avoid.

3. If the Court chooses to apply a deferential standard of review, the 2021 Final Legislative Reapportionment Plan is still unconstitutional and illegal.

In *Solomon*, this Court did not apply any specific standard of review to determine that the Reapportionment Commission had erred in not utilizing the total number of permanent residents as the population base for reapportionment. *Solomon*, 126 Haw. at 293, 270 P.3d at 1023 (holding that error in population base rendered the 2011 final reapportionment plan invalid and

directing the commission to prepare a new plan); *see also Kawamoto*, 75 Haw. at 467 (holding that for cases implicating this Court’s original jurisdiction, there is no standard of review). Here too, the Court can hold, based on the analysis immediately above, that the Reapportionment Commission simply erred in unjustifiably failing to comply with the district within district requirements without giving any deference to the Reapportionment Commission or its justifications.¹³

However, if this Court were to review the Commission’s application of the statutory and constitutional criteria under a deferential standard of review,¹⁴ such as good faith, substantial compliance or abuse of discretion,¹⁵ the 2021 Final Legislative Plan would be unconstitutional and illegal, because the plan’s departure from the district within district requirements is not only substantial, as is explained above, but also not supported by any evidence, any specific findings, or any compelling explanation.

¹³ Not applying a standard of review to this Petition makes sense because the Reapportionment Commission is not a government agency with any particular expertise, and therefore, is not owed any deference by the courts. *See, e.g., Gao v. State, Dep’t of Att’y Gen.*, 137 Haw. 450, 454, 375 P.3d 229, 233 (2016) (“Ordinarily, deference will be given to decisions of administrative agencies acting within the realm of their expertise.”). The Commission is also not a co-equal branch of the government. *See supra* n. 4. Thus, this Court should be able to review the reapportionment plans essentially as a trial court would, in the first instance, to determine whether the plans and the Commission complied with the criteria set forth in the Hawai‘i Constitution. *See* Proceedings at 265 (“The inclusion of these guidelines is intended . . . to provide the courts with *a standard for review* of claims of gerrymandering or other unfair or partial result in the apportionment plan.” (emphasis added)).

¹⁴ Strict scrutiny would only apply if a fundamental right or suspect classification was at stake. *See KNG Corp. v. Kim*, 107 Haw. 73, 82, 110 P.3d 397, 406 (2005) (“Strict scrutiny is ordinarily applied where laws involve suspect classifications or fundamental rights.”). Of course, “[t]he right to vote is of ‘fundamental importance.’” *Green Party of Hawaii v. Nago*, 138 Haw. 228, 240, 378 P.3d 944, 956 (2016) (cleaned up).

¹⁵ Between these two standards, Petitioners propose that the good faith, substantial compliance standard would be better suited for the situation at bar, because it would have both an objective and subjective component to ensure the Commission’s compliance with the statutory and constitutional criteria. Conversely, because the Reapportionment Commission does not have the expertise of a government agency and may have incentives to draw lines for the benefit of a person or party, abuse of discretion is too deferential of a standard of review.

While the Commission is not a typical government agency, this Court's opinions reviewing agencies' decisions for abuse of discretion may be instructive. In determining whether an agency abused its discretion, courts "must first determine whether the agency determination under review was the type of agency action within the boundaries of the agency's delegated authority. If the determination was within the agency's realm of discretion, then the court must analyze whether the agency abused that discretion. If the determination was not within the agency's discretion, then it is not entitled to the deferential abuse of discretion standard of review." *Kolio v. Hawai'i Pub. Hous. Auth.*, 135 Haw. 267, 271, 349 P.3d 374, 378 (2015).

By trying to keep historic district lines untouched at the expense of the relevant statutory and constitutional criteria, the Commission made a determination that was outside of its authority to make under the Hawai'i Constitution and HRS Section 25-2. *See also* Haw. Const. art. IV, § 6 ("No district shall be so drawn as to unduly favor a person or political faction."). Even if this Court were to review the Commission's decision for abuse of discretion or good faith compliance, it should find that the Commission's failure to follow the district within district constitutional requirement *in a super majority of the districts* "clearly exceeds bounds of reason [and] disregards rules or principles of law . . . to the substantial detriment" of the public and does not demonstrate good faith on the part of the Commission. *Kolio*, 135 Haw. at 271, 349 P.3d at 378.¹⁶

The plan's departure from the district within district requirements exceeds the bounds of reason and good faith, because it was not adequately explained or supported by any specific findings, substantial evidence, or valid explanation. *See supra* 42-46; *see, e.g., Dep't of Com. v.*

¹⁶ The secretive process used by the Commission to draw maps further demonstrates lack of an effort to comply with the district within district requirements in good faith.

New York, 139 S. Ct. 2551, 2575, 204 L. Ed. 2d 978 (2019) (rejecting Department of Commerce’s explanation for adding citizenship question to the Census because agency’s explanation was “incongruent with what the record reveals about the agency’s priorities and decision making process”). Additionally, the Commission’s failure to consider the overwhelming testimony against the final plans and its unwillingness to make changes to its proposed plans in response to such testimony, suggests that the Commission inappropriately prejudged the matters pending before it. *See Mauna Kea Anaina Hou v. Bd. of Land & Nat. Res.*, 136 Haw. 376, 389, 363 P.3d 224, 237 (2015) (holding that “due process of law generally prohibits decision makers from being biased, and more specifically, prohibits decision makers from prejudging matters and the appearance of having prejudged matters.”).

Moreover, the Commission disregarded the district within district requirements to the detriment of the members of the public. For example, under the Commission’s plan, a person living in House District 39 and Senate District 20—that is, people living in West Loch Estate in Ewa on O‘ahu—will have a representative who must work with four different senators, instead of one, and a senator whose attention will be divided among four house districts, instead of two. The unexplained decision of the Commission to place West Loch Estate residents and many others like them in similar districts, where their representation will be diffused in this manner, is arbitrary and capricious. *See, e.g., New York*, 139 S. Ct. at 2575–76 (“The reasoned explanation requirement of administrative law, after all, is meant to ensure that agencies offer genuine justifications for important decisions, reasons that can be scrutinized by courts and the interested public.”).

E. The Constitutional Requirement that House Districts Be Wholly Included within Senate Districts Not Only Protects the Integrity of the Reapportionment Process but Also Ensures More Stable and Better Representation for Hawai'i Residents.

The policy reasons for this Court's intervention are also significant. First, the district within district requirement ensures that (1) the interests of the representatives and senator for a specific legislative district are aligned, thus ensuring better and more effective representation for their constituents, and (2) it will make representation more effective, as neighbors will only need to interact with a fixed number of legislators, who will likely be members of their community. Second, this Court's intervention is necessary to ensure that the reapportionment process is objective and impartial, as politically motivated maps cannot be effectively addressed through the democratic process, given the reasonable likelihood that maps will benefit the legislators in charge of appointing members to the Commission.

Before the district within district requirements were brought to the attention of the Commission, in defending the Makapu'u wraparound house district, Chair Mugiishi succinctly explained the power and importance of wholly including a house district within a senate district:

About House District 51, so one of the comments that Commissioner Ono made at the beginning was that this map creates some synergy between the senate map and the house map. And I guess what I'm trying to understand is why people would object to having a senator and a representative unified and representing their district. Because the legislative process, in order for anything to happen, you need both houses, both chambers of the legislature, to agree. And so if you have a district that has synergy between the representative getting elected by the same constituency as the senator, you have a much better chance of effecting meaningful change for your community. And so I guess I'm trying to understand why people would object to aligning their senate map and their house map. I would think that would be a wonderful thing to do.

App. D-6:1-10. The concept of aligning house and senate districts that Chair Mugiishi described is correct and generally applicable. In the specific argument about House District 51 at the time,

it was irrelevant, because whether the district ended at Makapu'u Point or Portlock, it would have been fully contained within Senate District 25, unlike 24 other O'ahu house districts at the time which crossed over two, three, or four senate districts.

In our bicameral system of government, in order for bills to become law, both chambers must agree to legislation, and the governor must sign. This process is critical every step of the way, as each legislator has a limited number of bills that they can introduce, each legislative committee has a limited number of bills it can consider, with most bills “dying” without a hearing. A bill must be considered by both the House and the Senate (and often undergo reconciliation as well) to become law. Without at least one senator and one house representative championing a bill in their respective chambers each step of the way, this successful completion of this process is unlikely. And yet the 2021 Final Legislative Plan makes it so that people in several house districts will need to coordinate with as many as four senators, none of whom will necessarily make a little corner of their district a priority. Imagine if in the U.S. Congress, Kaua'i residents were represented by a representative from Alaska whose district also included the island of Kaua'i!

Conversely, aligning senate and house districts will make it more likely that senators and representatives representing *the same area* will effectively work together, as they will often be members of the same community and will also have to answer to *the same people* at the ballot box. This “synergy,” as Chair Mugiishi called it, will indeed give the people “a much better chance of effecting meaningful change for [their] community.” App. D-6:8-9 In other words, it promotes a representative government that is more effective and responsive to the people it represents.

Remarkably, the Commission’s claimed interest in avoiding chaos and maintaining more stability over time is better addressed by including house districts within senate districts, as mandated by Hawai’i’s law. While lines will shift from time to time to adjust for population changes, *which is inevitable in any event*, those lines will move in a coordinated and orderly way, so that people and neighborhoods will only need to interact with a fixed number of legislators—two for most small towns—all of whom will be from the same communities.

Finally, this is not a matter that can be addressed at the ballot box and must rely instead on a Commission committed to serving the public interest. However, legislators who benefit from specific maps have little to no electoral incentive to appoint commissioners who will objectively apply the constitutional criteria, if doing so could jeopardize their chances of re-election. In turn, gerrymandered communities will not be able to vote out such legislators, as their voting power would be diluted through the reapportionment process. In other words, it is this Court’s responsibility to ensure that the Commission follows the reapportionment criteria, so that it is the people who “choose their representatives, not the other way around.”

F. The Commission Unconstitutionally Delegated One of Its Core Responsibilities to its Technical Committee PIG.

The Commission’s delegation of its redistricting powers under the Constitution to the Technical Committee PIG—a subset of commissioners exempted from even a modicum of transparency—was contrary to a constitutional design that seeks a fair, objective, and impartial reapportionment process.

Article IV, Section 2 of the Hawai‘i Constitution provides for a Commission of *nine* members and provides that “[t]he commission shall act by majority vote of its membership and shall establish its own procedures, except as may be provided by law.” Haw. Const. art. IV, § 2. After providing that the Commission must apportion the members of the Legislature among

island units, Article IV, Section 6 provides: “Upon the determination of the total number of members of each house of the state legislature to which each basic island unit is entitled, the commission shall apportion the members among the districts therein and shall redraw district lines where necessary in such manner that for each house the average number of permanent residents per member in each district is as nearly equal to the average for the basic island unit as practicable.” Haw. Const. art. IV, § 6. Thus, the responsibility and power to redistrict each island unit is delegated to all nine of the commissioners.

Here, after seemingly conducting deliberations outside of public view to appoint and elect the Chair,¹⁷ it created a technical committee PIG under HRS Section 92-2.5 for the “Preparation of Proposed Reapportionment Plans.” App. B-4 (item VII). Chair Mugiishi stressed the need to keep the number of members in that committee under four commissioners, presumably to avoid the application of various Sunshine rules on open meetings, notice, and minutes. App. D-1:16-21. After creating the technical committee PIG, the Commission adopted rules that exempted the technical committee PIG from notice, public comment, and record keeping requirements, to which a similar committee had been subject during the 2011 reapportionment process. App. H14 (Rule 18). Thus, the Commission effectively delegated the bulk of its core redistricting responsibility under the Constitution to four commissioners, who were allowed to operate completely outside of the public’s view.

After drawing the maps in secret, the technical committee PIG then proceeded to present their maps to the Commission and the public without presenting findings of fact about specific districts, disclosing with whom the technical committee PIG had communicated, or describing what type of community outreach it had done, if any. Nor did the technical committee PIG

¹⁷ See *supra* n. 2.

disclose how it had sought to apply the constitutional and statutorily required standards, or details about what matters the committee may have assigned more weight to than others, and why. The Commission itself did not deliberate about these matters in a meaningful fashion or consider changes to the maps; instead, it completely relied on the technical committee PIG to make further changes behind closed doors and present its revised maps to the Commission, without any meaningful or public explanation for the changes made. For the most part, the Commission seemed to accept without question or meaningful discussion the technical committee PIG's redistricting maps and decisions made.

The reapportionment process as executed during this current cycle provided a recipe for abuse, gerrymandering, partiality, and public mistrust. The delegation of the bulk of the Commission's redistricting authority to the technical committee PIG was improper for at least three reasons.

First, it was contrary to the constitutional design and purpose, which not only delegated the redistricting power to the entire commission but set various criteria to make the process as impartial and objective as possible, as well as to avoid gerrymandering, unfairness, and partiality. Proceedings at 265; *cf. Blair v. Cayetano*, 73 Haw. 536, 550, 836 P.2d 1066, 1073 (1992) (holding that act's primary election procedure to select the constitutional amendment to be proposed in a general election "constitute[d] . . . an impermissible delegation of legislative authority to the electorate," even though the Legislature had authorized the primary procedure). The use of the technical committee PIG in this manner created opportunities to inject improper influences into the process.

Second, and relatedly, the deliberate use of a technical committee PIG hindered not only the public's ability to assess the Commission's work, but it is also likely to hinder this Court's

capacity to determine whether the Commission complied in good faith with the requisite constitutional and statutory criteria. How will this Court be able to determine whether there was gerrymandering or whether a specific criterion was followed, if the entirety of the drawing of district lines took place without notice, or a complete record, or substantial public transparency?

Third and finally, while the Constitution grants the Commission the power to “establish its own procedures, except as may be provided by law,” the Commission abused the PIG device under HRS Section 92-2.5, which specifically provides for the use of a PIG to “[i]nvestigate a matter.” HRS § 92-2.5(b)(1). Here, however, it is unclear what the investigation and matter to be investigated were, as final plans were simply presented to the Commission without any meaningful discussion about any investigation, the PIG’s findings, or the public presentation of legislative plan options to the Commission. In other words, the technical committee PIG was not used to investigate a discrete matter and report back with findings and recommendations, but instead it was used to allow a subset of commissioners behind closed doors to make most of the decisions about redistricting. The Petitioners are unaware, and there is no record to demonstrate, any instance where the technical committee PIG communicated with testifiers or experts or others. Such actions would have been appropriate fact finding for the PIG to be able to better understand suggestions and complaints that emanated from the public during testimony submitted at the meetings, the 11 public hearings, and in writing. The process chosen by the commission marginalized the participation, understanding, and meaningful ability of the five commissioners not on the technical committee to discharge their responsibilities. Therefore, the Petitioners urge this Court to rule that the Commission’s delegation of its redistricting authority to the technical committee PIG was unconstitutional and otherwise improper.

G. To Maintain the Status Quo, Avoid Irreparable Harm, and Protect the Public Interest, this Court Should Preliminarily Enjoin the State of Hawai‘i Office of Elections and the Chief Election Officer from Accepting Nominating Papers for Office in the State Legislature.

Unless this Court grants Petitioners request for temporary injunctive relief, the State of Hawai‘i Office of Elections and the Chief Election Officer will begin accepting nominating papers from candidates for legislative offices on March 1, 2022. *See* HRS § 12-2.5 (“Nomination papers shall be made available from the first working day of March in every even-numbered year.”). This Court has the power to grant temporary injunctive relief pursuant to Article IV, Section 10 of the Hawai‘i Constitution. A temporary order enjoining the State of Hawai‘i Office of Elections and the Chief Election Officer from accepting nominating papers until this Petition is resolved is necessary to maintain the status quo and avoid confusion to the public, candidates, campaigns, and other groups with respect to the candidates running for legislative offices.

“The test for granting or denying temporary injunctive relief is three-fold: (1) whether the plaintiff is likely to prevail on the merits; (2) whether the balance of irreparable damage favors the issuance of a temporary injunction; and (3) whether the public interest supports granting an injunction.” *Off. of Hawaiian Affs. v. Hous. & Cmty. Dev. Corp. of Hawai‘i (HCDCH)*, 117 Haw. 174, 211, 177 P.3d 884, 921 (2008), *rev'd on other grounds, Hawai‘i v. Off. of Hawaiian Affs.*, 556 U.S. 163, 129 S. Ct. 1436, 173 L. Ed. 2d 333 (2009).

This Petition has fully addressed the likelihood of success on the merits, which is high, given the Commission’s unjustified failure to follow the district within district requirements..

Concerning the balance of irreparable harms, if the Petition is successful on its merits, the failure to temporarily enjoin the State of Hawai‘i Office of Elections and the Chief Election Officer from accepting nominating papers will result in candidates having to file their papers a second time and potentially campaigning in different districts, which will result in confusion to

the public, candidates, their campaigns, and to others. Supporters will donate and spend time and money backing candidates who may ultimately not run in their district or decide to not run at all. In addition, without an injunction, candidates may file nominating papers for a district under the current reapportionment plan (filed January 28, 2021) and then fail to file nominating papers under the plans redrawn pursuant to this Court's order granting the Petitioners a measure of relief, but further creating confusion.

The harm to respondents, on the other hand, will not be as significant. The candidate filing deadline closes on June 7, 2022. *See* HRS § 12-6(a) (requiring that nomination papers be filed "not later than 4:30 p.m. on the first Tuesday in June"). Even if this Court were to issue an order directing the Commission to prepare new reapportionment plans by the end of April 2022, there would be at least one month for candidates to file their nominating papers without the need to adjust any other deadlines or cause delays in the primary elections and general elections to be held later this year. Thus, the balance of harms clearly favors the Petitioners.

Additionally, the public interest also supports this Court granting temporary injunctive relief to Petitioners. In addition to avoiding unnecessary and significant confusion, the temporary injunctive relief would avoid having to grant even more significant injunctive relief later to address the ensuing issues and unintended consequences of candidates submitting nominating papers under different reapportionment plans. Additionally, a temporary injunction would give an opportunity to the public to reengage in the reapportionment process and to the Commission to consider an alternative redistricting process, while this Petition is pending before this Court. Specifically, temporary injunctive relief would signal to the parties and members of the public that the Court is likely to accept jurisdiction in this matter and that the public and particularly the

Commission should remain engaged in the process and be ready to propose alternative plans that meet all constitutional and statutory criteria.

VI. CONCLUSION

For the reasons presented, Petitioners respectfully urge that this Court void the 2021 Final Legislative Reapportionment Plan and its publication, direct the Commission to prepare a new constitutionally compliant plan, and enjoin the acceptance of nominating papers for office in the State Legislature until this Petition is resolved. Petitioners make such requests to give Hawai‘i residents a meaningful chance to democratically address the serious challenges that their communities and islands will face during the next ten years.

DATED: Honolulu, Hawai‘i, February 23, 2022

Respectfully submitted,

/s/ Mateo Caballero

MATEO CABALLERO

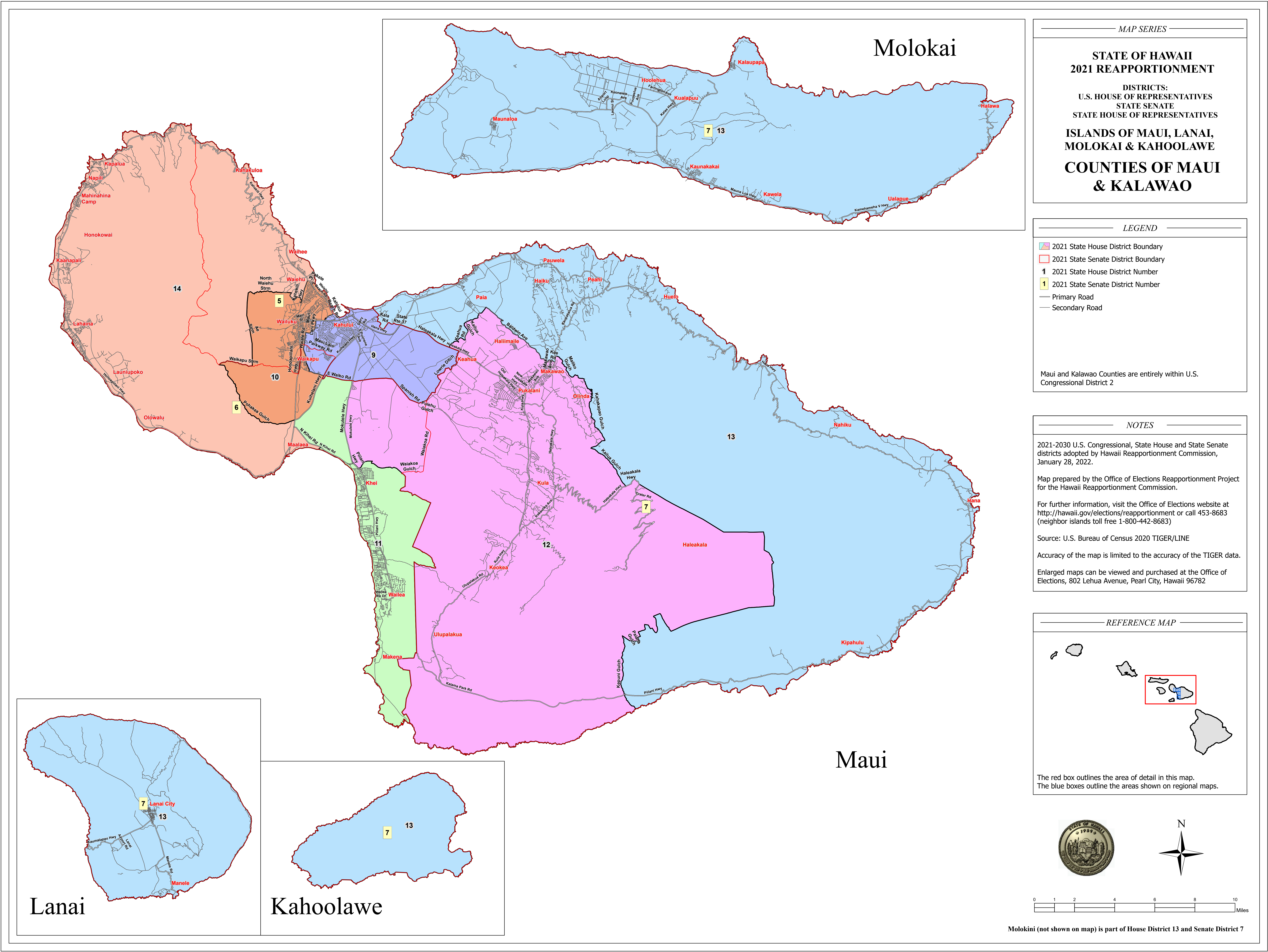
Attorney for Petitioners

Electronically Filed
Supreme Court
SCPW-22-0000078
23-FEB-2022
04:08 PM
Dkt. 2 EXH

APPENDIX A

FINAL LEGISLATIVE REAPPORTIONMENT MAPS

Part 1

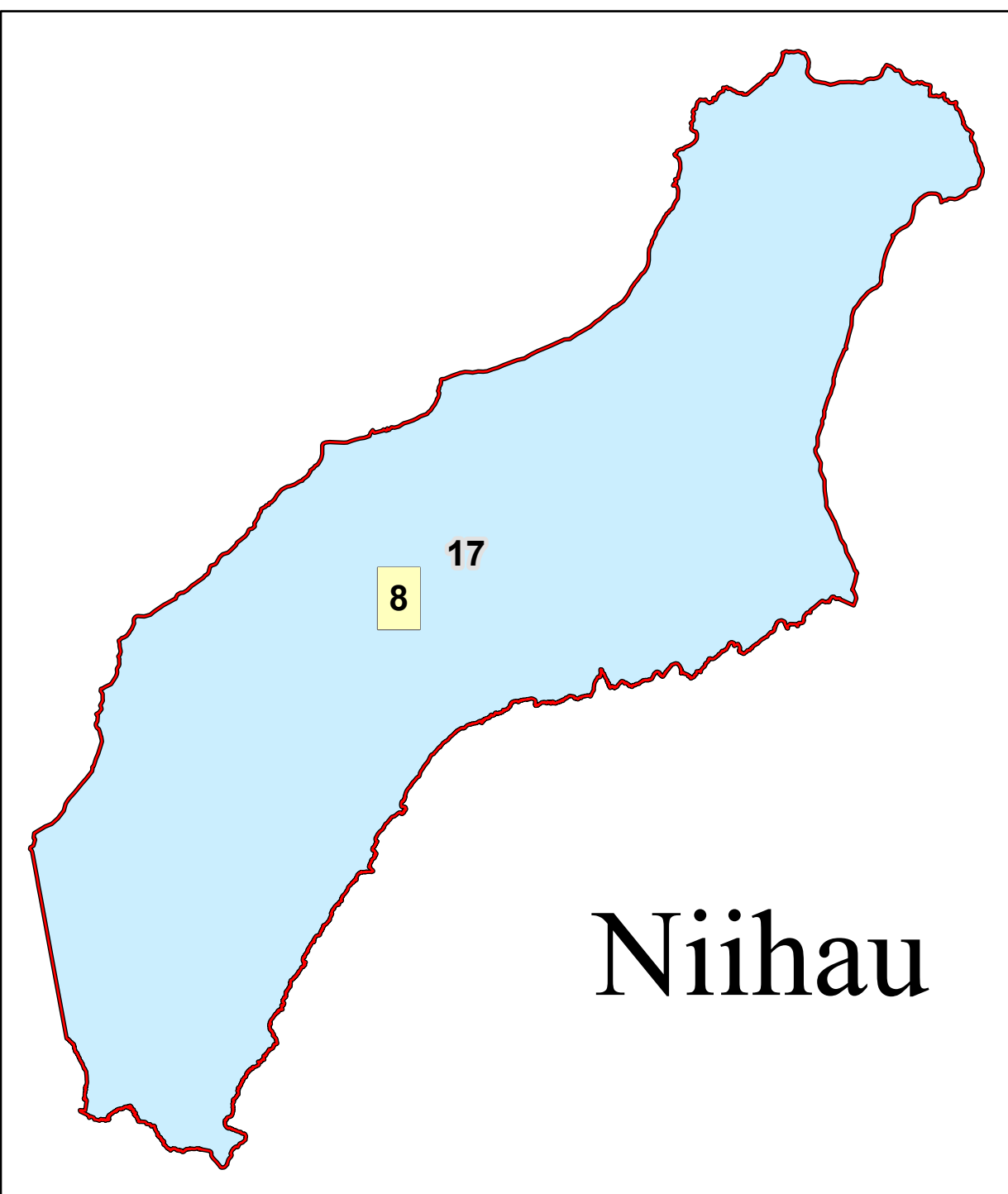


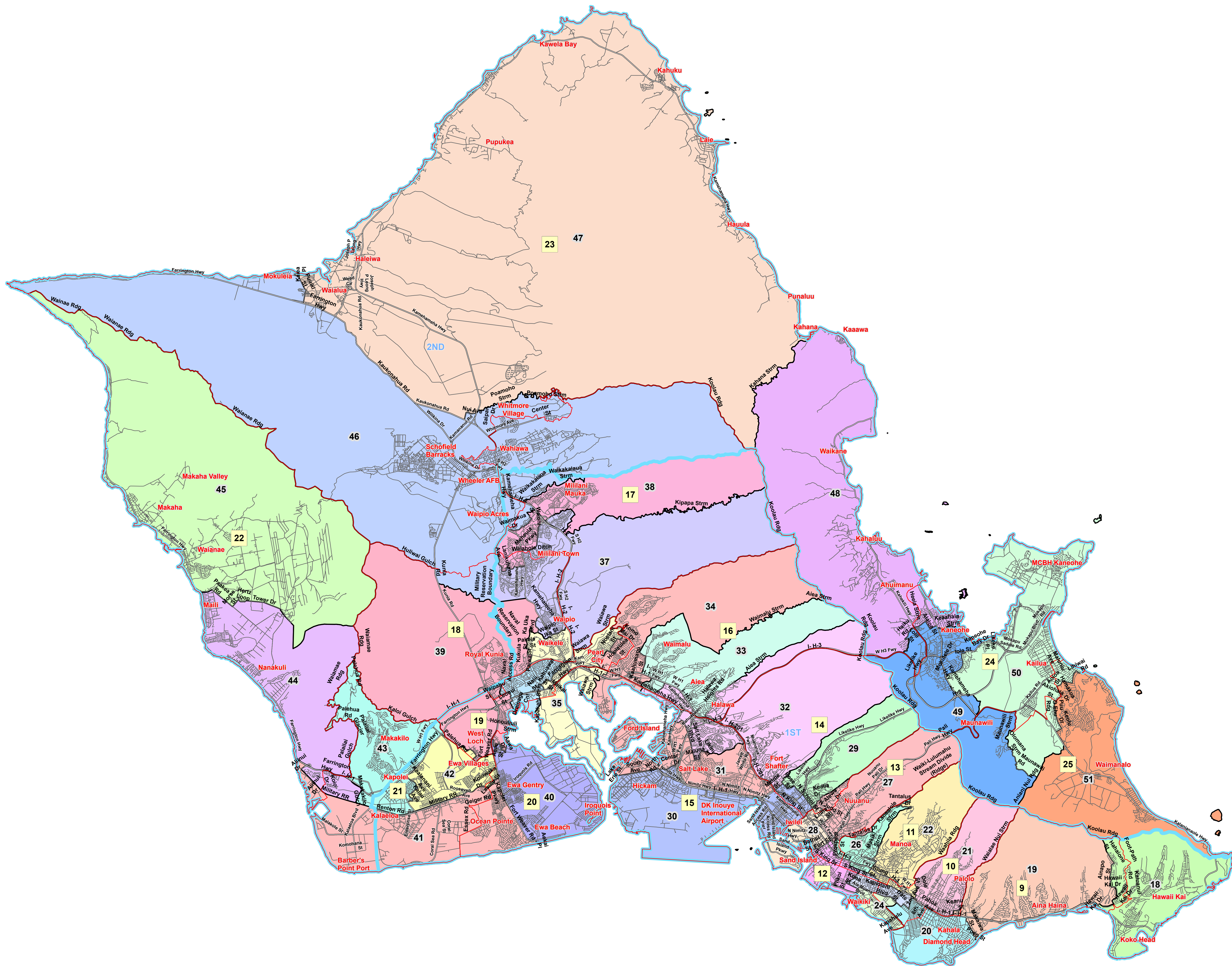
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Supreme Court
SCPW-22-0000078
23-FEB-2022
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Dkt. 3 EXH

APPENDIX A

FINAL LEGISLATIVE REAPPORTIONMENT MAPS

Part 2





MAP SERIES

STATE OF HAWAII
2021 REAPPORTIONMENT

DISTRICTS:
U.S. HOUSE OF REPRESENTATIVES
STATE SENATE
STATE HOUSE OF REPRESENTATIVES

ISLAND OF OAHU

CITY & COUNTY
OF HONOLULU

- LEGEND
- 2021 State House District Boundary
 - 2021 State Senate District Boundary
 - 2021 State Congressional District Boundary
 - 1 2021 State House District Number
 - 1 2021 State Senate District Number
 - 1ST 2021 Congressional District Number
 - Primary Road
 - Secondary Road

NOTES

2021-2030 U.S. Congressional, State House and State Senate districts adopted by Hawaii Reapportionment Commission, January 28, 2022.

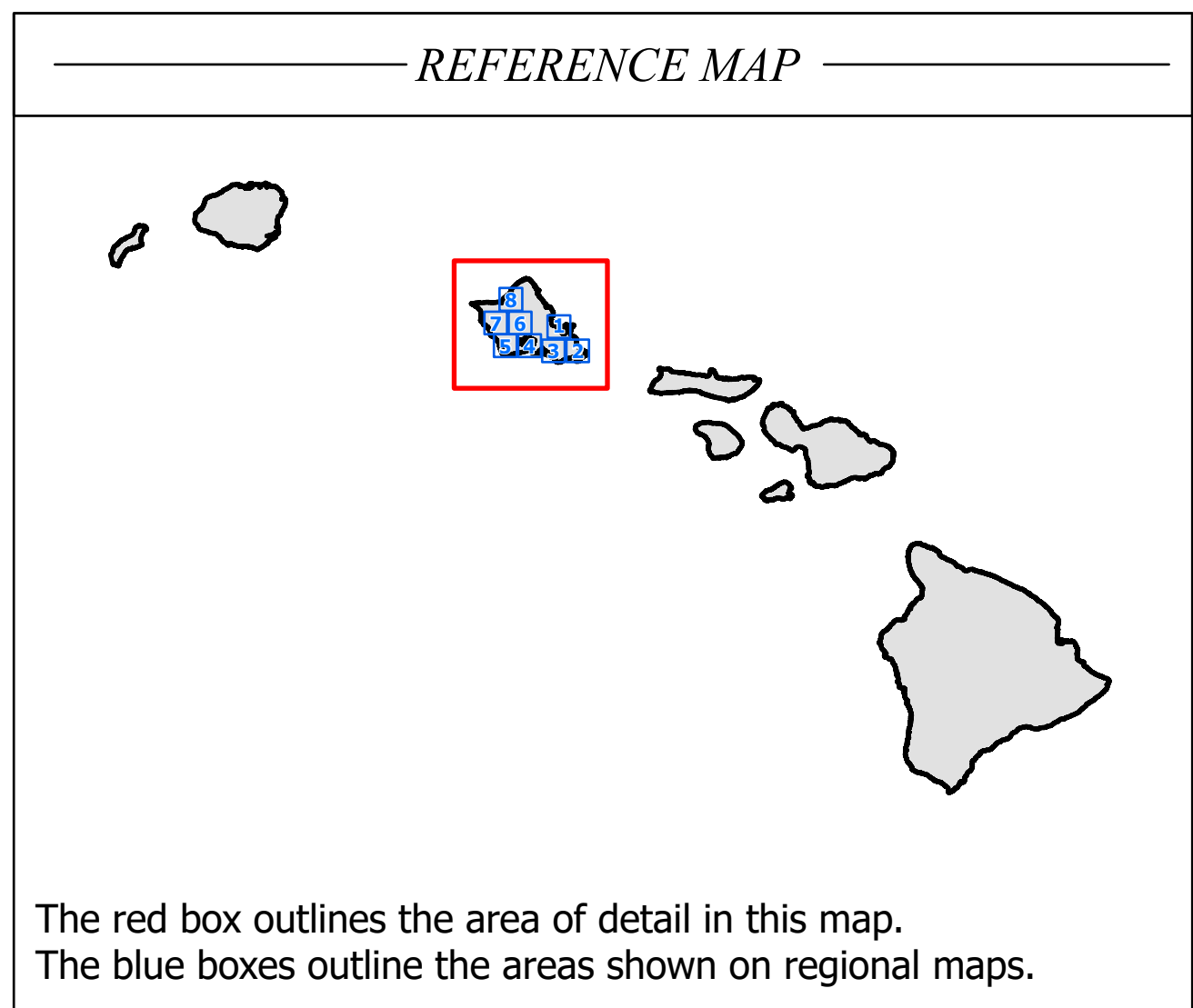
Map prepared by the Office of Elections Reapportionment Project for the Hawaii Reapportionment Commission.

For further information, visit the Office of Elections website at <http://hawaii.gov/elections/reapportionment> or call 453-8683 (neighbor islands toll free 1-800-442-8683)

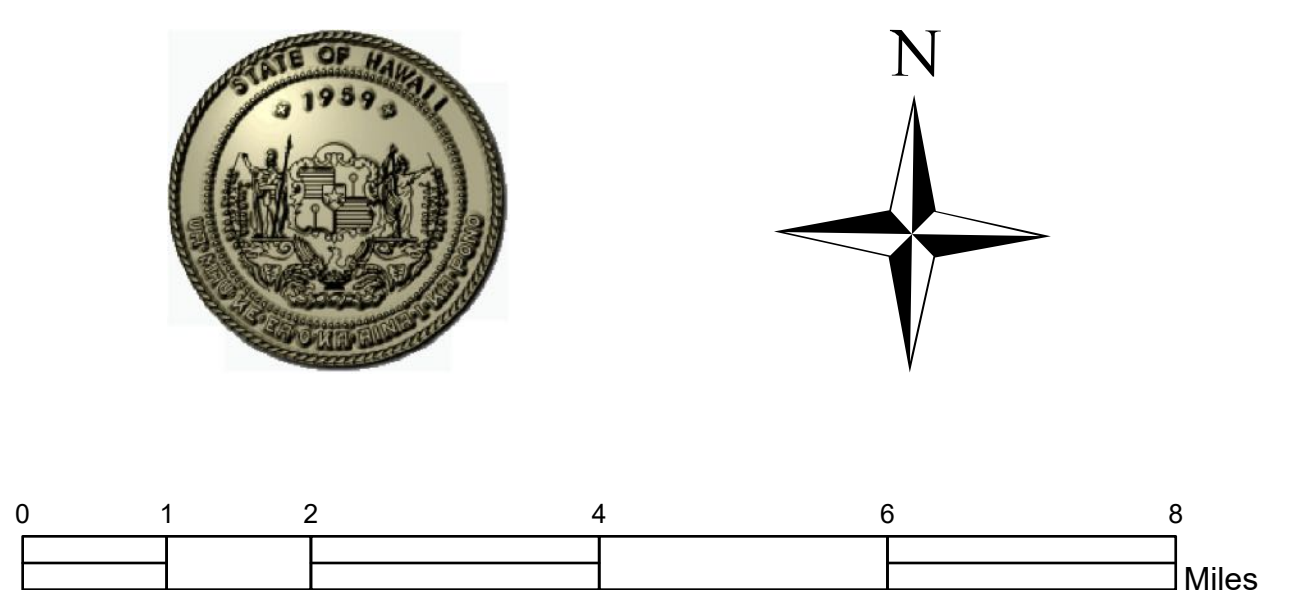
Source: U.S. Bureau of Census 2020 TIGER/LINE

Accuracy of the map is limited to the accuracy of the TIGER data.

Enlarged maps can be viewed and purchased at the Office of Elections, 802 Lehua Avenue, Pearl City, Hawaii 96782



Oahu



The Northwestern Hawaiian Islands (not shown on map) are part of House District 51 and Senate District 25

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APPENDIX B

2021 REAPPORTIONMENT COMMISSION AGENDAS



**STATE OF HAWAII
REAPPORTIONMENT COMMISSION**

NOTICE OF REAPPORTIONMENT COMMISSION MEETING

Date: Tuesday, April 13, 2021
Time: 4:00 P.M.
Place: Virtual Zoom Meeting*

*Pursuant to the Governor's Eighteenth Proclamation Related to the COVID-19 Emergency, dated February 12, 2021, the Reapportionment Commission will be meeting remotely using video and audio technology.

Video: <https://zoom.us/j/95812790648>

Telephone: +1 346 248 7799
+1 669 900 6833
+1 253 215 8782
+1 312 626 6799
+1 929 205 6099
+1 301 715 8592

Meeting ID: 958 1279 0648

A G E N D A

- I. Call to Order
- II. Administrative Matters
 - A. Affirmation of Appointment Administered to Each Commissioner
 - B. Duties and Responsibilities of Commissioners
 - C. Fiscal Documents

III. Public Testimony

Individuals may submit written testimony in advance of the meeting. Individuals interested in signing up to provide oral testimony at

the meeting may submit their name, email, and phone number to elections@hawaii.gov. Should problems occur with the videoconferencing technology which precludes individuals from providing oral testimony, the Reapportionment Commission will proceed with the meeting.

IV. Discussion and Action Regarding the Selection of Chairperson, Pursuant to Section 2, Article IV of the State Constitution

Pursuant to HRS § 92-5(a)(2), the Reapportionment Commission may hold an executive meeting to consult with its attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities.

V. Discussion and Action Regarding the Delayed Delivery of Census Data

Pursuant to HRS §§ 92-5(a)(2) and (8), the Reapportionment Commission may hold an executive meeting to consult with its attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities, and to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a state or federal law, or a court order.

VI. Adjournment

IF YOU REQUIRE SPECIAL ASSISTANCE OR AUXILARY AIDS AND/OR SERVICES TO PARTICIPATE IN THE PUBLIC HEARING PROCESS OF THE REAPPORTIONMENT COMMISSION, PLEASE CONTACT THE OFFICE OF ELECTIONS AT LEAST 48 HOURS PRIOR TO THE HEARING SO ARRANGEMENTS CAN BE MADE. FOR FURTHER INFORMATION, PLEASE CALL THE OFFICE OF ELECTIONS AT 453-8683 OR 1-800-442-8683 FROM THE NEIGHBOR ISLANDS.



MARK MUGIISHI, M.D.
CHAIR

**STATE OF HAWAII
REAPPORTIONMENT COMMISSION**

NOTICE OF REAPPORTIONMENT COMMISSION MEETING

Date: Monday, May 17, 2021
Time: 12:00 P.M.
Place: Virtual Zoom Meeting*

*Pursuant to the Governor's Nineteenth Proclamation Related to the COVID-19 Emergency, dated April 9, 2021, the Reapportionment Commission will be meeting remotely using video and audio technology.

Video: <https://zoom.us/j/94485555070>

Telephone: +1 669 900 6833
+1 253 215 8782
+1 346 248 7799
+1 929 205 6099
+1 301 715 8592
+1 312 626 6799

Meeting ID: 944 8555 5070

A G E N D A

- I. Call to Order
- II. Roll Call and Determination of a Quorum
- III. Public Testimony

Individuals may submit written testimony in advance of the meeting. Individuals interested in signing up to provide oral testimony at the meeting may submit their name, email, and phone number to elections@hawaii.gov. Should problems occur with the videoconferencing technology which precludes individuals from providing oral testimony, the Reapportionment Commission will proceed with the meeting.
- IV. Discussion and Action Regarding the Hiring of Commission Administrative Staff – ***Executive Session***

Pursuant to HRS § 92-5(a)(2), the Reapportionment Commission may hold an executive meeting to consider the hire or evaluation of an employee, where consideration of matters affecting privacy will be involved.

V. Discussion and Action Regarding the Delayed Delivery of Census Data –
Executive Session

Pursuant to HRS §§ 92-5(a)(4) and (8), the Reapportionment Commission may hold an executive meeting to consult with its attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities, and to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a state or federal law, or a court order.

VI. Discussion and Action Regarding the Standards and Criteria Governing the Reapportionment and Redistricting Process

VII. Discussion and Formation of Permitted Interaction Groups Pursuant to HRS § 92-2.5(b) to Assist the Commission in its Official Business, Including Developing the Commission's Procedures and the Preparation of Proposed Reapportionment Plans

VIII. Adjournment

IF YOU REQUIRE SPECIAL ASSISTANCE OR AUXILARY AIDS AND/OR SERVICES TO PARTICIPATE IN THE PUBLIC HEARING PROCESS OF THE REAPPORTIONMENT COMMISSION, PLEASE CONTACT THE OFFICE OF ELECTIONS AT LEAST 48 HOURS PRIOR TO THE HEARING SO ARRANGEMENTS CAN BE MADE. FOR FURTHER INFORMATION, PLEASE CALL THE OFFICE OF ELECTIONS AT 453-8683 OR 1-800-442-8683 FROM THE NEIGHBOR ISLANDS.



**STATE OF HAWAII
REAPPORTIONMENT COMMISSION**

NOTICE OF REAPPORTIONMENT COMMISSION MEETING

Date: Tuesday, July 6, 2021
Time: 2:00 P.M.
Place: Virtual Zoom Meeting*

*Pursuant to the Governor's Twenty-First Proclamation Related to the COVID-19 Emergency, dated June 7, 2021, the Reapportionment Commission will be meeting remotely using video and audio technology. If there are connectivity problems that take more than 30 minutes to resolve, then the meeting will be automatically terminated.

Video: <https://zoom.us/j/96564004070>

Telephone: +1 346 248 7799
+1 669 900 6833
+1 253 215 8782
+1 312 626 6799
+1 929 205 6099
+1 301 715 8592

Meeting ID: 965 6400 4070

A G E N D A

- I. Call to Order
- II. Roll Call and Determination of a Quorum
- III. Public Testimony

Individuals may submit written testimony in advance of the meeting. Individuals interested in signing up to provide oral testimony at the meeting may do so at <https://elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/>. Should problems occur with the videoconferencing technology which precludes individuals from providing

oral testimony, the Reapportionment Commission will proceed with the meeting.

IV. Discussion Regarding the Propriety of the Formation of the Permitted Interaction Groups Established at the May 17, 2021 Reapportionment Commission Meeting

Pursuant to HRS § 92-5(a)(4), the Commission may convene an executive session to consult with its attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities.

V. Presentation of the Draft Rules of the 2021 Reapportionment Commission Recommended by the Rules Permitted Interaction Group

VI. Redistricting and Reapportionment Presentation by Reapportionment Project Staff

VII. Executive Session – Consultation with the Commission's Attorney Regarding Members' Obligations Under and Compliance with HRS Chapter 84, Pursuant to HRS § 92-5(a)(4)

VIII. Adjournment

IF YOU REQUIRE SPECIAL ASSISTANCE OR AUXILARY AIDS AND/OR SERVICES TO PARTICIPATE IN THE PUBLIC HEARING PROCESS OF THE REAPPORTIONMENT COMMISSION, PLEASE CONTACT THE OFFICE OF ELECTIONS AT LEAST 48 HOURS PRIOR TO THE HEARING SO ARRANGEMENTS CAN BE MADE. FOR FURTHER INFORMATION, PLEASE CALL THE OFFICE OF ELECTIONS AT 453-8683 OR 1-800-442-8683 FROM THE NEIGHBOR ISLANDS.



MARK MUGIISHI, M.D.
CHAIR

STATE OF HAWAII REAPPORTIONMENT COMMISSION

NOTICE OF REAPPORTIONMENT COMMISSION MEETING

Date: Tuesday, July 20, 2021
Time: 9:00 A.M.
Place: via Video Conference or Telephone*

*Pursuant to the Governor's Twenty-First Proclamation Related to the COVID-19 Emergency, dated June 7, 2021, the Reapportionment Commission will be meeting remotely using video and audio technology. If there are connectivity problems that take more than 30 minutes to resolve, then the meeting will be automatically terminated.

Video: <https://zoom.us/j/91914302250>

Telephone: +1 253 215 8782
+1 346 248 7799
+1 669 900 6833
+1 301 715 8592
+1 312 626 6799
+1 929 205 6099

Meeting ID: 919 1430 2250

A G E N D A

- I. Call to Order
- II. Roll Call and Determination of a Quorum
- III. Public Testimony

Individuals may submit written testimony in advance of the meeting. Individuals interested in signing up to provide oral testimony at the meeting may submit their name, email, and phone number to reapportionment@hawaii.gov. Should problems occur with the videoconferencing technology which precludes individuals from providing

oral testimony, the Reapportionment Commission will proceed with the meeting.

- IV. Extension of Reapportionment Deadlines by July 7, 2021 Hawaii Supreme Court Order
- V. Deliberation and Decision Making on the Draft 2021 Rules of the Reapportionment Commission Recommended by the Rules Permitted Interaction Group
- VI. Continued Redistricting and Reapportionment Presentation by Reapportionment Project Staff
- VII. Adjournment

IF YOU REQUIRE SPECIAL ASSISTANCE OR AUXILARY AIDS AND/OR SERVICES TO PARTICIPATE IN THE PUBLIC HEARING PROCESS OF THE REAPPORTIONMENT COMMISSION, PLEASE CONTACT THE OFFICE OF ELECTIONS AT LEAST 48 HOURS PRIOR TO THE HEARING SO ARRANGEMENTS CAN BE MADE. FOR FURTHER INFORMATION, PLEASE CALL THE OFFICE OF ELECTIONS AT 453-8683 OR 1-800-442-8683 FROM THE NEIGHBOR ISLANDS.



MARK MUGIISHI, M.D.
CHAIR

STATE OF HAWAII REAPPORTIONMENT COMMISSION

NOTICE OF REAPPORTIONMENT COMMISSION MEETING

Date: August 26, 2021
Time: 11:00 A.M.
Place: via Video Conference or Telephone*

*Pursuant to the Governor's Emergency Proclamation Related to the COVID-19 Response, dated August 5, 2021, the Reapportionment Commission will be meeting remotely using interactive conference technology. The public may view the video and audio of the meeting through the following video conferencing link:

Video: <https://zoom.us/j/97435247352>

Telephone: +1 253 215 8782
+1 346 248 7799
+1 669 900 6833
+1 301 715 8592
+1 312 626 6799
+1 929 205 6099

Meeting ID: 974 3524 7352

A G E N D A

- I. Call to Order
- II. Roll Call and Determination of a Quorum
- III. Public Testimony

Individuals may submit written testimony in advance of the meeting via email to reapportionment@hawaii.gov or by mail addressed to the 2021 Reapportionment Commission, c/o Scott Nago, Secretary, 802 Lehua Avenue, Pearl City, Hawaii 96782. Individuals interested in signing up to provide oral testimony at the meeting may submit their name, email, and phone number to reapportionment@hawaii.gov. Individuals may provide

oral testimony at the meeting via the above-listed video conferencing link or by calling in to the above-listed telephone number.

- IV. Approval of Minutes for the Meeting of July 20, 2021
- V. Election of Vice Chair(s) for the Reapportionment Commission
- VI. Presentation by the Reapportionment Staff on the on the following topics:
 - a. August 12, 2021 release of census data
 - b. Method of population extraction
 - c. Apportionment “method of equal proportions” of basic island units
 - d. Single- or multi-member districts
 - e. Standards and criteria governing redistricting, such as the use of “canoe districts”
 - f. Propose Public Information Committee
 - g. Redistricting website demonstration
 - h. Proposed schedule
- VII. Discussion on the Role of the Reapportionment Advisory Councils
- VIII. Adjournment

If audiovisual communication cannot be maintained with all Commission members participating in the meeting, the meeting shall be automatically recessed for up to thirty (30) minutes to allow staff to attempt to restore communication. If audiovisual communication with all participating Commission members can be restored, the meeting will be reconvened. If, however, audiovisual communication cannot be restored, the meeting will be reconvened with the audio-only communication using the above-listed telephone number and any nonconfidential visual aids brought to the meeting by Commission members or as part of a scheduled presentation will be made publicly available on the Office of Elections website within fifteen (15) minutes after audio-only communication is established. No Commission action shall be invalid if the Commission’s good faith efforts to implement remote technology for public observations and comments do not work.

IF YOU REQUIRE SPECIAL ASSISTANCE OR AUXILARY AIDS AND/OR SERVICES TO PARTICIPATE IN THE PUBLIC HEARING PROCESS OF THE REAPPORTIONMENT COMMISSION, PLEASE CONTACT THE OFFICE OF ELECTIONS AT LEAST 48 HOURS PRIOR TO THE HEARING SO ARRANGEMENTS CAN BE MADE. FOR FURTHER INFORMATION, PLEASE CALL THE OFFICE OF ELECTIONS AT 453-8683 OR 1-800-442-8683 FROM THE NEIGHBOR ISLANDS.



MARK MUGIISHI, M.D.
CHAIR

STATE OF HAWAII REAPPORTIONMENT COMMISSION

NOTICE OF REAPPORTIONMENT COMMISSION MEETING

Date: September 9, 2021
Time: 1:00 P.M.
Place: via Video Conference or Telephone*

*Pursuant to the Governor's Emergency Proclamation Related to the COVID-19 Response, dated August 5, 2021, the Reapportionment Commission will be meeting remotely using interactive conference technology. The public may view the video and audio of the meeting through the following video conferencing link:

Video: <https://zoom.us/j/91681972985>

Telephone: +1 346 248 7799
+1 669 900 6833
+1 253 215 8782
+1 312 626 6799
+1 929 205 6099
+1 301 715 8592

Meeting ID: 916 8197 2985

AMENDED AGENDA

- I. Call to Order
- II. Roll Call and Determination of a Quorum
- III. Public Testimony

Individuals may submit written testimony in advance of the meeting via email to reapportionment@hawaii.gov or by mail addressed to the 2021 Reapportionment Commission, c/o Scott Nago, Secretary, 802 Lehua Avenue, Pearl City, Hawaii 96782. Individuals interested in signing up to provide oral testimony at the meeting may submit their name, email, and phone number to reapportionment@hawaii.gov. Individuals may provide

oral testimony at the meeting via the above-listed video conferencing link or by calling in to the above-listed telephone number.

Testimony presented during the meeting will be limited to three minutes each.

IV. Approval of Minutes for the Meeting of August 26, 2021

V. Discussion and Action to Establish the Permanent Resident Population Base

Pursuant to HRS § 92-5(a)(4), the Reapportionment Commission anticipates that it may need to hold an executive meeting to consult with its attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities regarding this agenda item.

VI. Discussion and Action Regarding the Use of "Canoe Districts"

VII. Discussion and Action Regarding the Standards and Criteria Governing the Reapportionment and Redistricting Process

VIII. Discussion and Action Regarding the Commission's Interaction with the Advisory Councils

The following was added to the agenda on September 3, 2021:

IX. Presentation of Proposed Congressional Reapportionment Plans by the Technical Committee Permitted Interaction Group

X. Adjournment

If audiovisual communication cannot be maintained with all Commission members participating in the meeting, the meeting shall be automatically recessed for up to thirty (30) minutes to allow staff to attempt to restore communication. If audiovisual communication with all participating Commission members can be restored, the meeting will be reconvened. If, however, audiovisual communication cannot be restored, the meeting will be reconvened with the audio-only communication using the above-listed telephone number and any nonconfidential visual aids brought to the meeting by Commission members or as part of a scheduled presentation will be made publicly available on the Office of Elections website within fifteen (15) minutes after audio-only communication is established. No Commission action shall be invalid if the

Commission's good faith efforts to implement remote technology for public observations and comments do not work.

IF YOU REQUIRE SPECIAL ASSISTANCE OR AUXILARY AIDS AND/OR SERVICES TO PARTICIPATE IN THE PUBLIC HEARING PROCESS OF THE REAPPORTIONMENT COMMISSION, PLEASE CONTACT THE OFFICE OF ELECTIONS AT LEAST 48 HOURS PRIOR TO THE HEARING SO ARRANGEMENTS CAN BE MADE. FOR FURTHER INFORMATION, PLEASE CALL THE OFFICE OF ELECTIONS AT 453-8683 OR 1-800-442-8683 FROM THE NEIGHBOR ISLANDS.



MARK MUGIISHI, M.D.
CHAIR

STATE OF HAWAII REAPPORTIONMENT COMMISSION

NOTICE OF REAPPORTIONMENT COMMISSION MEETING

Date: October 14, 2021
Time: 12:00 P.M.
Place: via Video Conference or Telephone*

*Pursuant to the Governor's Emergency Proclamation Related to the COVID-19 Response, dated October 1, 2021, the Reapportionment Commission will be meeting remotely using interactive conference technology. The public may view the video and audio of the meeting through the following video conferencing link:

Video: <https://zoom.us/j/97684788429>

Telephone: +1 253 215 8782
+1 346 248 7799
+1 669 900 6833
+1 301 715 8592
+1 312 626 6799
+1 929 205 6099

Meeting ID: 976 8478 8429

A G E N D A

- I. Call to Order
- II. Roll Call and Determination of a Quorum
- III. Public Testimony

Individuals may submit testimony in advance of the meeting via email to reapportionment@hawaii.gov or by mail addressed to the 2021 Reapportionment Commission, c/o Scott Nago, Secretary, 802 Lehua Avenue, Pearl City, Hawaii 96782. Individuals interested in signing up to provide oral testimony at the meeting may submit their name, email, and phone number to reapportionment@hawaii.gov. Individuals may provide

oral testimony at the meeting via the above-listed video conferencing link or by calling in to the above-listed telephone number.

Testimony presented during the meeting will be limited to three minutes each.

- IV. Reports by the Apportionment Advisory Councils
- V. Approval of Minutes for the Meeting of September 9, 2021
- VI. Discussion and Action to Adopt a Proposed Congressional Redistricting Plan
- VII. Presentation of Proposed Legislative Redistricting Plans by the Technical Committee Permitted Interaction Group
- VIII. Adjournment

If audiovisual communication cannot be maintained with all Commissioners participating in the meeting, the meeting shall be automatically recessed for up to thirty (30) minutes to allow staff to attempt to restore communication.

If audiovisual communication with all participating Commissioners can be restored, the meeting will be reconvened. If, however, audiovisual communication cannot be restored, then the meeting may be reconvened with the audio-only communication using the above-listed telephone number. Any nonconfidential visual aids brought to the meeting by Commissioners or as part of a scheduled presentation will be made publicly available on the Office of Elections website within fifteen (15) minutes after audio-only communication is established.

If it is not possible to reconvene the meeting within thirty (30) minutes after an interruption of communication and the Commission has not provided reasonable notice to the public as to how the meeting will be continued at an alternative date and time, then the meeting shall be automatically terminated.

No Commission action shall be invalid if the Commission's good faith efforts to implement remote technology for public observations and comments do not work.

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MARK MUGIISHI, M.D.
CHAIR

STATE OF HAWAII REAPPORTIONMENT COMMISSION

NOTICE OF REAPPORTIONMENT COMMISSION MEETING

Date: October 28, 2021
Time: 12:00 P.M.
Place: via Video Conference or Telephone*

*Pursuant to the Governor's Emergency Proclamation Related to the COVID-19 Response, dated October 1, 2021, the Reapportionment Commission will be meeting remotely using interactive conference technology. The public may view the video and audio of the meeting through the following video conferencing link:

Video: <https://zoom.us/j/9733477709>

Telephone: +1 253 215 8782
+1 346 248 7799
+1 669 900 6833
+1 301 715 8592
+1 312 626 6799
+1 929 205 6099

Meeting ID: 973 3477 7709

A G E N D A

- I. Call to Order
- II. Roll Call and Determination of a Quorum
- III. Public Testimony

Individuals may submit testimony in advance of the meeting via email to reapportionment@hawaii.gov or by mail addressed to the 2021 Reapportionment Commission, c/o Scott Nago, Secretary, 802 Lehua Avenue, Pearl City, Hawaii 96782. Individuals interested in signing up to provide oral testimony at the meeting may submit their name, email, and phone number to reapportionment@hawaii.gov. Individuals may provide oral testimony at the meeting via the above-listed video conferencing link or by calling in to the above-listed telephone number.

Testimony presented during the meeting will be limited to three minutes each.

- IV. Reports by the Apportionment Advisory Councils
- V. Approval of Minutes for the Meeting of October 14, 2021
- VI. Discussion Regarding the Conduct of Public Hearings and Future Meeting Dates
- VII. Discussion and Action to Adopt the Proposed Legislative Redistricting Plan
- VIII. Adjournment

If audiovisual communication cannot be maintained with all Commissioners participating in the meeting, the meeting shall be automatically recessed for up to thirty (30) minutes to allow staff to attempt to restore communication.

If audiovisual communication with all participating Commissioners can be restored, the meeting will be reconvened. If, however, audiovisual communication cannot be restored, then the meeting may be reconvened with the audio-only communication using the above-listed telephone number. Any nonconfidential visual aids brought to the meeting by Commissioners or as part of a scheduled presentation will be made publicly available on the Office of Elections website within fifteen (15) minutes after audio-only communication is established.

If it is not possible to reconvene the meeting within thirty (30) minutes after an interruption of communication and the Commission has not provided reasonable notice to the public as to how the meeting will be continued at an alternative date and time, then the meeting shall be automatically terminated.

No Commission action shall be invalid if the Commission's good faith efforts to implement remote technology for public observations and comments do not work.

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MARK MUGIISHI, M.D.
CHAIR

STATE OF HAWAII REAPPORTIONMENT COMMISSION

NOTICE OF REAPPORTIONMENT COMMISSION MEETING

Date: December 22, 2021
Time: 1:00 P.M.
Place: via Video Conference or Telephone*

*Pursuant to the Governor's Emergency Proclamation Related to the COVID-19 Response, dated November 29, 2021, the Reapportionment Commission will be meeting remotely using interactive conference technology. The public may view the video and audio of the meeting through the following video conferencing link:

Video: <https://zoom.us/j/98215107876>

Telephone: +1 253 215 8782
+1 346 248 7799
+1 669 900 6833
+1 301 715 8592
+1 312 626 6799
+1 929 205 6099

Meeting ID: 982 1510 7876

AMENDED AGENDA

- I. Call to Order
- II. Roll Call and Determination of a Quorum
- III. Public Testimony

Individuals may submit testimony in advance of the meeting via email to reapportionment@hawaii.gov or by mail addressed to the 2021 Reapportionment Commission, c/o Scott Nago, Secretary, 802 Lehua Avenue, Pearl City, Hawaii 96782. Individuals interested in signing up to provide oral testimony at the meeting may submit their name, email, and phone number to reapportionment@hawaii.gov. Individuals may provide oral testimony at the meeting via the above-listed video conferencing link or by calling the above-listed telephone number.

Testimony presented during the meeting will be limited to three minutes each.

- IV. Reports by the Apportionment Advisory Councils
- V. Approval of Minutes for the Meeting of October 28, 2021
- VI. Report on the Status of the Reapportionment Commission's September 2021 Request that the Military Confirm the Number of Active-Duty Sponsors with Duty Station of Hawaii but State of Legal Residence Not Hawaii by Mailing Zip and Mailing Zip Extension, and Action, If Necessary, Regarding the Permanent Resident Population Base to be Used for Legislative Reapportionment and Redistricting
- VII. Presentation on the Conduct of the Public Hearings by the Reapportionment Project Office
- VIII. Presentation of Proposed Final Legislative and Congressional Reapportionment Plans by the Technical Committee Permitted Interaction Group
- IX. Adjournment

If audiovisual communication cannot be maintained with all Commissioners participating in the meeting, the meeting shall be automatically recessed for up to thirty (30) minutes to allow staff to attempt to restore communication.

If audiovisual communication with all participating Commissioners can be restored, the meeting will be reconvened. If, however, audiovisual communication cannot be restored, then the meeting may be reconvened with the audio-only communication using the above-listed telephone number. Any nonconfidential visual aids brought to the meeting by Commissioners or as part of a scheduled presentation will be made publicly available on the Office of Elections website within fifteen (15) minutes after audio-only communication is established.

If it is not possible to reconvene the meeting within thirty (30) minutes after an interruption of communication and the Commission has not provided reasonable notice to the public as to how the meeting will be continued at an alternative date and time, then the meeting shall be automatically terminated.

No Commission action shall be invalid if the Commission's good faith efforts to implement remote technology for public observations and comments do not work.

IF YOU REQUIRE SPECIAL ASSISTANCE OR AUXILIARY AIDS AND/OR SERVICES TO PARTICIPATE IN THE PUBLIC HEARING PROCESS OF THE REAPPORTIONMENT COMMISSION, PLEASE CONTACT THE OFFICE OF ELECTIONS AT LEAST 48 HOURS PRIOR TO THE HEARING SO ARRANGEMENTS CAN BE MADE. FOR FURTHER INFORMATION, PLEASE CALL THE OFFICE OF ELECTIONS AT 453-8683 OR 1-800-442-8683 FROM THE NEIGHBOR ISLANDS.



MARK MUGIISHI, M.D.
CHAIR

STATE OF HAWAII REAPPORTIONMENT COMMISSION

NOTICE OF REAPPORTIONMENT COMMISSION MEETING

Date: January 3, 2022
Time: 1:00 P.M.
Place: via Video Conference or Telephone*

*Pursuant to Act 220, Session Laws of Hawaii 2021, the Reapportionment Commission will be meeting remotely using interactive conference technology. The public may view the video and audio of the meeting through the following video conferencing link:

Video: <https://zoom.us/j/92749944929>

Telephone: +1 253 215 8782
+1 346 248 7799
+1 669 900 6833
+1 301 715 8592
+1 312 626 6799
+1 929 205 6099

Meeting ID: 927 4994 4929

The public may also attend the meeting at the Office of Elections, 802 Lehua Avenue, Pearl City, Hawaii 96782, where an audiovisual connection will be provided for the public to view and participate in the meeting.

A G E N D A

- I. Call to Order
- II. Roll Call and Determination of a Quorum
- III. Public Testimony

Individuals may submit testimony in advance of the meeting via email to reapportionment@hawaii.gov or by mail addressed to the 2021 Reapportionment Commission, c/o Scott Nago, Secretary, 802 Lehua Avenue, Pearl City, Hawaii 96782. Individuals interested in signing up to provide oral testimony at the

meeting may submit their name, email, and phone number to reapportionment@hawaii.gov. Individuals may provide oral testimony at the meeting via the above-listed video conferencing link or by calling in to the above-listed telephone number.

Testimony presented during the meeting will be limited to three minutes each.

- IV. Reports by the Apportionment Advisory Councils
- V. Approval of Minutes for the Meeting of December 22, 2021
- VI. Report on the Status of the Reapportionment Commission's September 2021 Request that the Military Confirm the Number of Active-Duty Sponsors with Duty Station of Hawaii but State of Legal Residence Not Hawaii by Mailing Zip and Mailing Zip Extension, and Action, If Necessary, Regarding the Permanent Resident Population Base to be Used for Legislative Reapportionment and Redistricting
- VII. Discussion on the Proposed Final Legislative and Congressional Reapportionment Plans
- VIII. Discussion on the Senate Staggered Terms Based on the Proposed Final Legislative Reapportionment Plan
- IX. Adjournment

If audiovisual communication cannot be maintained with all Commissioners participating in the meeting, the meeting shall be automatically recessed for up to thirty (30) minutes to allow staff to attempt to restore communication.

If audiovisual communication with all participating Commissioners can be restored, the meeting will be reconvened. If, however, audiovisual communication cannot be restored, then the meeting may be reconvened with the audio-only communication using the above-listed telephone number. Any nonconfidential visual aids brought to the meeting by Commissioners or as part of a scheduled presentation will be made publicly available on the Office of Elections website within fifteen (15) minutes after audio-only communication is established.

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MARK MUGIISHI, M.D.
CHAIR

STATE OF HAWAII REAPPORTIONMENT COMMISSION

NOTICE OF REAPPORTIONMENT COMMISSION MEETING

Date: January 6, 2022
Time: 10:00 A.M.
Place: via Video Conference or Telephone*

*Pursuant to Act 220, Session Laws of Hawaii 2021, the Reapportionment Commission will be meeting remotely using interactive conference technology. The public may view the video and audio of the meeting through the following video conferencing link:

Video: <https://zoom.us/j/95739458392>

Telephone: +1 253 215 8782
+1 346 248 7799
+1 669 900 6833
+1 301 715 8592
+1 312 626 6799
+1 929 205 6099

Meeting ID: 957 3945 8392

The public may also attend the meeting at the Office of Elections, 802 Lehua Avenue, Pearl City, Hawaii 96782, where an audiovisual connection will be provided for the public to view and participate in the meeting.

A G E N D A

- I. Call to Order
- II. Roll Call and Determination of a Quorum
- III. Public Testimony

Individuals may submit testimony in advance of the meeting via email to reapportionment@hawaii.gov or by mail addressed to the 2021 Reapportionment Commission, c/o Scott Nago, Secretary, 802 Lehua Avenue, Pearl City, Hawaii 96782. Individuals interested in signing up to provide oral testimony at the meeting may submit their name, email, and phone number to

reapportionment@hawaii.gov. Individuals may provide oral testimony at the meeting via the above-listed video conferencing link or by calling in to the above-listed telephone number.

Testimony presented during the meeting will be limited to three minutes each.

- IV. Reports by the Apportionment Advisory Councils
- V. Approval of Minutes for the Meeting of January 3, 2021
- VI. Report on the Status of the Reapportionment Commission's September 2021 Request that the Military Confirm the Number of Active-Duty Sponsors with Duty Station of Hawaii but State of Legal Residence Not Hawaii by Mailing Zip and Mailing Zip Extension, and Action, If Necessary, Regarding the Permanent Resident Population Base to be Used for Legislative Reapportionment and Redistricting
- VII. Discussion on the Proposed Final Legislative and Congressional Reapportionment Plans
- VIII. Adjournment

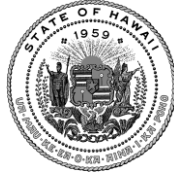
If audiovisual communication cannot be maintained with all Commissioners participating in the meeting, the meeting shall be automatically recessed for up to thirty (30) minutes to allow staff to attempt to restore communication.

If audiovisual communication with all participating Commissioners can be restored, the meeting will be reconvened. If, however, audiovisual communication cannot be restored, then the meeting may be reconvened with the audio-only communication using the above-listed telephone number. Any nonconfidential visual aids brought to the meeting by Commissioners or as part of a scheduled presentation will be made publicly available on the Office of Elections website within fifteen (15) minutes after audio-only communication is established.

If it is not possible to reconvene the meeting within thirty (30) minutes after an interruption of communication and the Commission has not provided reasonable notice to the public as to how the meeting will be continued at an alternative date and time, then the meeting shall be automatically terminated.

No Commission action shall be invalid if the Commission's good faith efforts to implement remote technology for public observations and comments do not work.

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MARK MUGIISHI, M.D.
CHAIR

STATE OF HAWAII REAPPORTIONMENT COMMISSION

NOTICE OF REAPPORTIONMENT COMMISSION MEETING

Date: January 13, 2022
Time: 1:00 P.M.
Place: via Video Conference or Telephone*

*Pursuant to Act 220, Session Laws of Hawaii 2021, and the Governor's Emergency Proclamation Related to Sunshine Law In-Person Meetings, dated December 29, 2021, the Reapportionment Commission will be meeting remotely using interactive conference technology. The public may view the video and audio of the meeting through the following video conferencing link:

Video: <https://zoom.us/j/91505421414>

Telephone: +1 253 215 8782
+1 346 248 7799
+1 669 900 6833
+1 301 715 8592
+1 312 626 6799
+1 929 205 6099

Meeting ID: 915 0542 1414

A G E N D A

- I. Call to Order
- II. Roll Call and Determination of a Quorum
- III. Reports by the Apportionment Advisory Councils
- IV. Approval of Minutes for the Meeting of January 6, 2022
- V. Presentation of Modified Proposed Final Legislative and Congressional Reapportionment Plans by the Technical Committee Permitted Interaction Group

VI. Adjournment

Individuals may submit testimony in advance of the meeting via email to reapportionment@hawaii.gov or by mail addressed to the 2021 Reapportionment Commission, c/o Scott Nago, Secretary, 802 Lehua Avenue, Pearl City, Hawaii 96782. Individuals interested in signing up to provide oral testimony at the meeting may submit their name, email, and phone number to reapportionment@hawaii.gov. Individuals may provide oral testimony at the meeting via the above-listed video conferencing link or by calling the above-listed telephone number. Testimony presented during the meeting will be limited to three minutes each.

If audiovisual communication cannot be maintained with all Commissioners participating in the meeting or with the public location identified above, the meeting shall be automatically recessed for up to thirty (30) minutes to allow staff to attempt to restore communication; provided, however, that this shall not apply if a member of the public is unable to maintain their own audiovisual connection to the remote public broadcast.

If audiovisual communication with all participating Commissioners can be restored, the meeting will be reconvened. If, however, audiovisual communication cannot be restored, then the meeting may be reconvened with the audio-only communication using the above-listed telephone number. Any nonconfidential visual aids brought to the meeting by Commissioners or as part of a scheduled presentation will be made publicly available on the Office of Elections website within fifteen (15) minutes after audio-only communication is established.

If it is not possible to reconvene the meeting within thirty (30) minutes after an interruption of communication and the Commission has not provided reasonable notice to the public as to how the meeting will be continued at an alternative date and time, then the meeting shall be automatically terminated.

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MARK MUGIISHI, M.D.
CHAIR

STATE OF HAWAII REAPPORTIONMENT COMMISSION

NOTICE OF REAPPORTIONMENT COMMISSION MEETING

Date: January 20, 2022
Time: 2:00 P.M.
Place: via Video Conference or Telephone*

*Pursuant to Act 220, Session Laws of Hawaii 2021, and the Governor's Emergency Proclamation Related to Sunshine Law In-Person Meetings, dated December 29, 2021, the Reapportionment Commission will be meeting remotely using interactive conference technology. The public may view the video and audio of the meeting through the following video conferencing link:

Video: <https://zoom.us/j/94622427314>

Telephone: +1 253 215 8782
+1 346 248 7799
+1 669 900 6833
+1 301 715 8592
+1 312 626 6799
+1 929 205 6099

Meeting ID: 946 2242 7314

A G E N D A

- I. Call to Order
- II. Roll Call and Determination of a Quorum
- III. Public Testimony

Individuals may submit testimony in advance of the meeting via email to reapportionment@hawaii.gov or by mail addressed to the 2021 Reapportionment Commission, c/o Scott Nago, Secretary, 802 Lehua Avenue, Pearl City, Hawaii 96782. Individuals interested in signing up to provide oral testimony at the meeting may submit their name, email, and phone number to reapportionment@hawaii.gov. Individuals may provide oral testimony at the

meeting via the above-listed video conferencing link or by calling the above-listed telephone number.

Testimony presented during the meeting will be limited to three minutes each.

- IV. Consideration of Public Testimony Regarding Modified Final Legislative and Congressional Reapportionment Plans Recommended by the Technical Committee Permitted Interaction Group
- V. Reports by the Apportionment Advisory Councils
- VI. Discussion and Potential Action on the January 11, 2022 Letter from the Hawaii State Senate Standing Committee on Government Operations Regarding Informational Briefing on Reapportionment

Pursuant to HRS § 92-5(a)(4), the Commission anticipates that it may need to hold an executive meeting to consult with its attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities regarding this agenda item.

VII. Adjournment

If audiovisual communication cannot be maintained with all Commissioners participating in the meeting or with the public location identified above, the meeting shall be automatically recessed for up to thirty (30) minutes to allow staff to attempt to restore communication; provided, however, that this shall not apply if a member of the public is unable to maintain their own audiovisual connection to the remote public broadcast.

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MARK MUGIISHI, M.D.
CHAIR

STATE OF HAWAII REAPPORTIONMENT COMMISSION

NOTICE OF REAPPORTIONMENT COMMISSION MEETING

Date: January 21, 2022
Time: 10:00 A.M.
Place: via Video Conference or Telephone*

*Pursuant to Act 220, Session Laws of Hawaii 2021, and the Governor's Emergency Proclamation Related to Sunshine Law In-Person Meetings, dated December 29, 2021, the Reapportionment Commission will be meeting remotely using interactive conference technology. The public may view the video and audio of the meeting through the following video conferencing link:

Video: <https://zoom.us/j/92927645562>

Telephone: +1 253 215 8782
+1 346 248 7799
+1 669 900 6833
+1 301 715 8592
+1 312 626 6799
+1 929 205 6099

Meeting ID: 929 2764 5562

A G E N D A

- I. Call to Order
- II. Roll Call and Determination of a Quorum
- III. Public Testimony

Individuals may submit testimony in advance of the meeting via email to reapportionment@hawaii.gov or by mail addressed to the 2021 Reapportionment Commission, c/o Scott Nago, Secretary, 802 Lehua Avenue, Pearl City, Hawaii 96782. Individuals interested in signing up to provide oral testimony at the meeting may submit their name, email, and phone number to reapportionment@hawaii.gov. Individuals may provide oral testimony at the

meeting via the above-listed video conferencing link or by calling the above-listed telephone number.

Testimony presented during the meeting will be limited to three minutes each.

- IV. Consideration of Public Testimony Regarding Modified Final Legislative and Congressional Reapportionment Plans Recommended by the Technical Committee Permitted Interaction Group
- V. Reports by the Apportionment Advisory Councils
- VI. Discussion and Potential Action on the January 11, 2022 Letter from the Hawaii State Senate Standing Committee on Government Operations Regarding Informational Briefing on Reapportionment

Pursuant to HRS § 92-5(a)(4), the Commission anticipates that it may need to hold an executive meeting to consult with its attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities regarding this agenda item.

VII. Adjournment

If audiovisual communication cannot be maintained with all Commissioners participating in the meeting or with the public location identified above, the meeting shall be automatically recessed for up to thirty (30) minutes to allow staff to attempt to restore communication; provided, however, that this shall not apply if a member of the public is unable to maintain their own audiovisual connection to the remote public broadcast.

If audiovisual communication with all participating Commissioners can be restored, the meeting will be reconvened. If, however, audiovisual communication cannot be restored, then the meeting may be reconvened with the audio-only communication using the above-listed telephone number. Any nonconfidential visual aids brought to the meeting by Commissioners or as part of a scheduled presentation will be made publicly available on the Office of Elections website within fifteen (15) minutes after audio-only communication is established.

If it is not possible to reconvene the meeting within thirty (30) minutes after an interruption of communication and the Commission has not provided reasonable notice to the public as to how the meeting will be continued at an alternative date and time, then the meeting shall be automatically terminated.

IF YOU REQUIRE SPECIAL ASSISTANCE OR AUXILIARY AIDS AND/OR SERVICES TO PARTICIPATE IN THE PUBLIC HEARING PROCESS OF THE REAPPORTIONMENT COMMISSION, PLEASE CONTACT THE OFFICE OF ELECTIONS AT LEAST 48 HOURS PRIOR TO THE HEARING SO ARRANGEMENTS CAN BE MADE. FOR FURTHER INFORMATION, PLEASE CALL THE OFFICE OF ELECTIONS AT 453-8683 OR 1-800-442-8683 FROM THE NEIGHBOR ISLANDS.



MARK MUGIISHI, M.D.
CHAIR

STATE OF HAWAII REAPPORTIONMENT COMMISSION

NOTICE OF REAPPORTIONMENT COMMISSION MEETING

Date: January 22, 2022
Time: 2:00 P.M.
Place: via Video Conference or Telephone*

*Pursuant to Act 220, Session Laws of Hawaii 2021, and the Governor's Emergency Proclamation Related to Sunshine Law In-Person Meetings, dated December 29, 2021, the Reapportionment Commission will be meeting remotely using interactive conference technology. The public may view the video and audio of the meeting through the following video conferencing link:

Video: <https://zoom.us/j/94460877197>

Telephone: +1 253 215 8782
+1 346 248 7799
+1 669 900 6833
+1 301 715 8592
+1 312 626 6799
+1 929 205 6099

Meeting ID: 944 6087 7197

A G E N D A

- I. Call to Order
- II. Roll Call and Determination of a Quorum
- III. Public Testimony

Individuals may submit testimony in advance of the meeting via email to reapportionment@hawaii.gov or by mail addressed to the 2021 Reapportionment Commission, c/o Scott Nago, Secretary, 802 Lehua Avenue, Pearl City, Hawaii 96782. Individuals interested in signing up to provide oral testimony at the meeting may submit their name, email, and phone number to reapportionment@hawaii.gov. Individuals may provide oral testimony at the

meeting via the above-listed video conferencing link or by calling the above-listed telephone number.

Testimony presented during the meeting will be limited to three minutes each.

- IV. Consideration of Public Testimony Regarding Modified Final Legislative and Congressional Reapportionment Plans Recommended by the Technical Committee Permitted Interaction Group
- V. Reports by the Apportionment Advisory Councils
- VI. Adjournment

If audiovisual communication cannot be maintained with all Commissioners participating in the meeting or with the public location identified above, the meeting shall be automatically recessed for up to thirty (30) minutes to allow staff to attempt to restore communication; provided, however, that this shall not apply if a member of the public is unable to maintain their own audiovisual connection to the remote public broadcast.

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MARK MUGIIISHI, M.D.
CHAIR

STATE OF HAWAII REAPPORTIONMENT COMMISSION

NOTICE OF REAPPORTIONMENT COMMISSION MEETING

Date: January 26, 2022
Time: 1:00 P.M.
Place: via Video Conference or Telephone*

*Pursuant to Act 220, Session Laws of Hawaii 2021, and the Governor's Emergency Proclamation Related to Sunshine Law In-Person Meetings, dated December 29, 2021, the Reapportionment Commission will be meeting remotely using interactive conference technology. The public may view the video and audio of the meeting through the following video conferencing link:

Video: <https://zoom.us/j/97119675733>

Telephone: +1 253 215 8782
+1 346 248 7799
+1 669 900 6833
+1 301 715 8592
+1 312 626 6799
+1 929 205 6099

Meeting ID: 971 1967 5733

AMENDED AGENDA

- I. Call to Order
- II. Roll Call and Determination of a Quorum
- III. Public Testimony

Individuals may submit testimony in advance of the meeting via email to reapportionment@hawaii.gov or by mail addressed to the 2021 Reapportionment Commission, c/o Scott Nago, Secretary, 802 Lehua Avenue, Pearl City, Hawaii 96782. Individuals interested in signing up to provide oral testimony at the meeting may submit their name, email, and phone number to reapportionment@hawaii.gov. Individuals may provide oral testimony at the

meeting via the above-listed video conferencing link or by calling the above-listed telephone number.

Testimony presented during the meeting will be limited to three minutes each.

- IV. Reports by the Apportionment Advisory Councils
- V. Approval of Minutes for the Meeting of January 13, 2022
- VI. Approval of Minutes for the Meeting of January 20, 2022
- VII. Approval of Minutes for the Meeting of January 21, 2022
- VIII. Approval of Minutes for the Meeting of January 22, 2022
- IX. Potential Presentation of Further Modified Proposed Final Legislative Reapportionment Plans by the Technical Committee Permitted Interaction Group

If the Technical Committee Permitted Interaction Group elects to make further modifications to the proposed final legislative reapportionment plans, they will present their further modifications at this meeting and decision making will occur at a separate, subsequent meeting. If no further modifications are presented, then the Commission will proceed to discussion and action on the modified proposed final plans recommended by the Technical Committee Permitted Interaction Group on January 13, 2022.
- X. Discussion and Action on the Modified Proposed Final Legislative and Congressional Reapportionment and Redistricting Plans Recommended by the Technical Committee Permitted Interaction Group on January 13, 2022
- XI. Discussion and Action on the Senate Staggered Terms Based on the Final Legislative and Congressional Reapportionment and Redistricting Plans
- XII. Adjournment

If audiovisual communication cannot be maintained with all Commissioners participating in the meeting or with the public location identified above, the meeting shall be automatically recessed for up to thirty (30) minutes to allow staff to attempt to restore communication; provided, however, that this shall not apply if a member of the public is unable to maintain their own audiovisual connection to the remote public broadcast.

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MARK MUGIISHI, M.D.
CHAIR

STATE OF HAWAII REAPPORTIONMENT COMMISSION

NOTICE OF REAPPORTIONMENT COMMISSION MEETING

Date: January 28, 2022
Time: 1:00 P.M.
Place: via Video Conference or Telephone*

*Pursuant to Act 220, Session Laws of Hawaii 2021, and the Governor's Emergency Proclamation Related to Sunshine Law In-Person Meetings, dated December 29, 2021, the Reapportionment Commission will be meeting remotely using interactive conference technology. The public may view the video and audio of the meeting through the following video conferencing link:

Video: <https://zoom.us/j/95496683187>

Telephone: +1 253 215 8782
+1 346 248 7799
+1 669 900 6833
+1 301 715 8592
+1 312 626 6799
+1 929 205 6099

Meeting ID: 954 9668 3187

A G E N D A

- I. Call to Order
- II. Roll Call and Determination of a Quorum
- III. Public Testimony

Individuals may submit testimony in advance of the meeting via email to reapportionment@hawaii.gov or by mail addressed to the 2021 Reapportionment Commission, c/o Scott Nago, Secretary, 802 Lehua Avenue, Pearl City, Hawaii 96782. Individuals interested in signing up to provide oral testimony at the meeting may submit their name, email, and phone number to reapportionment@hawaii.gov. Individuals may provide oral testimony at the

meeting via the above-listed video conferencing link or by calling the above-listed telephone number.

Testimony presented during the meeting will be limited to three minutes each.

- IV. Reports by the Apportionment Advisory Councils
- V. Approval of Minutes for the Meeting of January 26, 2022
- VI. Discussion and Action on the Modified Proposed Final Legislative and Congressional Reapportionment and Redistricting Plans Recommended by the Technical Committee Permitted Interaction Group
- VII. Discussion and Action on the Senate Staggered Terms Based on the Final Legislative and Congressional Reapportionment and Redistricting Plans
- VIII. Adjournment

If audiovisual communication cannot be maintained with all Commissioners participating in the meeting or with the public location identified above, the meeting shall be automatically recessed for up to thirty (30) minutes to allow staff to attempt to restore communication; provided, however, that this shall not apply if a member of the public is unable to maintain their own audiovisual connection to the remote public broadcast.

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Electronically Filed
Supreme Court
SCPW-22-0000078
23-FEB-2022
04:08 PM
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APPENDIX C

2021 REAPPORTIONMENT COMMISSION WRITTEN
SUMMARIES FOR VIDEO RECORD



**STATE OF HAWAII
REAPPORTIONMENT COMMISSION**

WRITTEN SUMMARY FOR VIDEO RECORD

**REGULAR MEETING OF THE
REAPPORTIONMENT COMMISSION**

APRIL 13, 2021 @ 4:00 PM

**Note: The video of the meeting may be viewed on our website at
<https://elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/>**

PROCEEDINGS

The time reference below indicates the point in the video of when the stated action begins.

I. Call to Order

[16:01]

The regular meeting of the Reapportionment Commission was called to order by Secretary Scott Nago. All members of the Reapportionment Commission were present at the meeting.

II. Administrative Matters

[16:02]

- A. Affirmation of Appointment Administered to Each Commissioner**
- B. Duties and Responsibilities of Commissioners**
- C. Fiscal Documents**

III. Public Testimony

[16:06]

There was no public testimony given.

IV. Discussion and Action Regarding the Selection of Chairperson, Pursuant to Section 2, Article IV of the State Constitution

[16:11]

Commissioner Nonaka moved to nominate Dr. Mark Mugiishi as the Chairperson of the Reapportionment Commission, which was seconded by Commissioner Ono.

[16:17]

Commissioner Kennedy made a motion to amend the motion by Commissioner Nonaka to allow for more nominations prior to voting, which was seconded by Commissioner Nekota. Motion did not carry.

AYES: NISHIMURA, KENNEDY, RATHBUN – 3

NOES: NEKOTA, CHUN, ONO, CHIPCHASE, NONAKA – 5

[16:29]

Commissioner Nonaka moved to nominate Dr. Mark Mugiishi as the Chairperson of the Reapportionment Commission, which was seconded by Commissioner Nekota. Motion carried.

AYES: NEKOTA, NISHIMURA, CHUN, ONO, CHIPCHASE, NONAKA – 6

NOES: KENNEDY, RATHBUN – 2

V. Discussion and Action Regarding the Delayed Delivery of Census Data

[16:31]

Commissioner Chipchase made a motion to enter executive session, which was seconded by Commissioner Ono, and approved unanimously by the Commissioners.

VI. Adjournment

[16:49]

Commissioner Nekota made a motion to adjourn the meeting, which was seconded by Commissioner Nonaka, and approved unanimously by the Commissioners.



MARK MUGIISHI, M.D.
CHAIR

**STATE OF HAWAII
REAPPORTIONMENT COMMISSION**

WRITTEN SUMMARY FOR VIDEO RECORD

**REGULAR MEETING OF THE
REAPPORTIONMENT COMMISSION**

MAY 17, 2021 @ 12:00 PM

**Note: The video of the meeting may be viewed on our website
at [https://elections.hawaii.gov/about-us/boards-and-
commissions/reapportionment/](https://elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/)**

PROCEEDINGS

The time reference below indicates the point in the video of when the stated action begins.

I. Call to Order [12:00]

The regular meeting of the Reapportionment Commission was called to order by Chair Mark Mugiishi. All members of the Reapportionment Commission were present at the meeting with the exception of Commissioner Chipchase.

III. Public Testimony [12:03]

Public testimony was provided by Ms. Sandy Ma of Common Cause Hawaii and Mr. Bart Dame.

[12:08]

Commissioner Chipchase has joined the meeting.

IV. Discussion and Action Regarding the Hiring of Commission Administrative Staff – Executive Session

V. Discussion and Action Regarding the Delayed Delivery of Census Data
– Executive Session [12:13]

[12:14]

Commissioner Ono made a motion to enter executive session for the purposes of Agenda Items IV and V, which was seconded by Commissioner Chun, and approved unanimously by the Commission.

[12:48]

Commissioner Kennedy moved to request that the Attorney General petition the Hawaii Supreme Court for relief from the constitutional and statutory reapportionment deadlines that cannot be met due to the Census Bureau's delayed delivery of the 2020 redistricting data, in the form of a writ directing the Commission to (a) issue public notice of the Commission's proposed reapportionment plans by no later than January 8, 2022 and (b) file the final reapportionment plans with the Chief Election Officer by no later than February 27, 2022; and (2) authorize the Chairperson to sign a declaration and any other supporting documentation on the Commission's behalf which reflects the Commission's concurrence with and support of the petition, which was seconded by Commissioner Nonaka, and approved unanimously by the Commission.

VI. Discussion and Action Regarding the Standards and Criteria Governing the Reapportionment and Redistricting Process

VII. Discussion and Formation of Permitted Interaction Groups Pursuant to HRS §92-2.5(b) to Assist the Commission in its Official Business, Including Developing the Commission's Procedures and the Preparation of Proposed Reapportionment Plans [12:49]

[12:59]

Commissioner Nekota made a motion to form two committees – a Rules and Conduct Committee and a Technical Committee, which was seconded by Commissioner Nishimura, and approved unanimously by the Commission.

[13:00]

Chair Mugiishi named Commissioners Nekota, Nonaka, Ono, and Rathbun to the Technical Committee, and Commissioners Chipchase, Chun, Kennedy, and Nishimura to the Rules Committee.

VIII. Adjournment

[13:05]

Commissioner Nishimura made a motion to adjourn the meeting, which was seconded by Commissioner Nekota, and approved unanimously by the Commission.



MARK MUGIISHI, M.D.
CHAIR

STATE OF HAWAII REAPPORTIONMENT COMMISSION

WRITTEN SUMMARY FOR VIDEO RECORD

REGULAR MEETING OF THE REAPPORTIONMENT COMMISSION

JULY 6, 2021 AT 2:00 PM

Note: The video of the meeting may be viewed on our website at
<https://elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/>

PROCEEDINGS

The time reference below indicates the point in the video of when the stated action begins.

I. Call to Order [2:00 PM]

The regular meeting of the Reapportionment Commission was called to order by Chair Mark Mugiishi.

II. Roll Call and Determination of a Quorum [2:01 PM]

All members of the Reapportionment Commission were present at the start of the meeting with the exception of Commissioner Chipchase.

Due to technical difficulties, Commissioner Kennedy rejoined the meeting at 2:05 PM and Commissioner Chipchase was acknowledged as present at 2:14 PM.

III. Public Testimony [2:01 PM]

Public testimony was provided by Senator Laura Acasio, Sandy Ma of Common Cause Hawaii, and Becky Gardner of Policy Matters LLC.

IV. Discussion Regarding the Propriety of the Formation of the Permitted Interaction Groups Established at the May 17, 2021 Reapportionment Commission Meeting [2:14 PM]

Pursuant to HRS § 92-5(a)(4), the Commission may convene an executive session to consult with its attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities.

[2:16 PM]

Commissioner Chipchase made a motion to enter executive session for the purposes of Agenda Item IV, which was seconded by Commissioner Nonaka, and approved unanimously by the Commission.

[2:17 PM]

Commissioner Kennedy made a motion to enter executive session for the purposes of Agenda Item VII, which was seconded by Commissioner Nishimura, and approved unanimously by the Commission.

- V. Presentation of the Draft Rules of the 2021 Reapportionment Commission Recommended by the Rules Permitted Interaction Group [2:35 PM]
- VI. Redistricting and Reapportionment Presentation by Reapportionment Project Staff [2:44 PM]
- VII. Executive Session – Consultation with the Commission's Attorney Regarding Members' Obligations Under and Compliance with HRS Chapter 84, Pursuant to HRS § 92-5(a)(4)

Agenda Item VII was considered with Agenda Item IV in Executive Session.

VIII. Adjournment

[2:50 PM]

Commissioner Ono made a motion to adjourn the meeting, which was seconded by Commissioner Nishimura, and approved unanimously by the Commission.



MARK MUGIISHI, M.D.
CHAIR

**STATE OF HAWAII
REAPPORTIONMENT COMMISSION**

WRITTEN SUMMARY FOR VIDEO RECORD

**REGULAR MEETING OF THE
REAPPORTIONMENT COMMISSION**

JULY 20, 2021 @ 9:00 AM

**Note: The video of the meeting may be viewed on our website
at [https://elections.hawaii.gov/about-us/boards-and-
commissions/reapportionment/](https://elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/)**

PROCEEDINGS

The time reference below indicates the point in the video of when the stated action begins.

I. Call to Order [9:00 AM]

The regular meeting of the Reapportionment Commission was called to order by Chair Mark Mugiishi.

II. Roll Call and Determination of a Quorum [9:00 AM]

All members of the Reapportionment Commission were present at the start of the meeting with the exception of Commissioner Nishimura and Commissioner Ono.

III. Public Testimony [9:02 AM]

[9:03 AM]

Commissioner Nishimura and Commissioner Ono were acknowledged as present by Secretary Nago.

Public testimony was provided by Sandy Ma of Common Cause Hawaii, Cory Harden, Brett Kulbis of the Honolulu County Republican Party, and Bart Dame.

IV. Extension of Reapportionment Deadlines by July 7, 2021 Hawaii Supreme Court Order [9:15 AM]

V. Deliberation and Decision Making on the Draft 2021 Rules of the Reapportionment Commission Recommended by the Rules Permitted Interaction Group [9:17 AM]

[9:19 AM]

Commissioner Chun made a motion to enter executive session for the purposes of Agenda Item V, which was seconded by Commissioner Nishimura, and approved unanimously by the Commission.

[9:32 AM]

Chair Mugiishi restated the motion by Commissioner Nonaka to adopt the Rules of the 2021 Reapportionment Commission that are in the meeting packet, which was seconded by Commissioner Kennedy. The motion was approved unanimously by the Commission.

VI. Continued Redistricting and Reapportionment Presentation by Reapportionment Project Staff [9:34 AM]

VII. Adjournment [10:06 AM]

Commissioner Nishimura made a motion to adjourn the meeting, which was seconded by Commissioner Nonaka, and approved unanimously by the Commission.



MARK MUGIISHI, M.D.
CHAIR

**STATE OF HAWAII
REAPPORTIONMENT COMMISSION**

WRITTEN SUMMARY FOR VIDEO RECORD

**REGULAR MEETING OF THE
REAPPORTIONMENT COMMISSION**

AUGUST 26, 2021 @ 11:00 AM

**Note: The video of the meeting may be viewed on our website
at [https://elections.hawaii.gov/about-us/boards-and-
commissions/reapportionment/](https://elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/)**

PROCEEDINGS

The time reference below indicates the point in the video of when the stated action begins.

I. Call to Order [11:00 AM]

The regular meeting of the Reapportionment Commission was called to order by Chair Mark Mugiishi.

II. Roll Call and Determination of a Quorum [11:00 AM]

All members of the Reapportionment Commission were present at the start of the meeting with the exception of Commissioner Chipchase and Commissioner Nishimura.

III. Public Testimony [11:02 AM]

[11:03 AM]

Commissioner Chipchase joined the meeting.

Commissioner Nishimura was acknowledged as present by Secretary Nago.

Public testimony was provided by Brett Kulbis of the Honolulu County Republican Party, Bart Dame, Kainoa Kaumeheiwa-Rego of Common Cause

Hawaii, Shannon Matson, Senator Laura Acasio, Maki Morinoue, and Becky Gardner of Policy Matters LLC.

[11:10 AM]

Commissioner Chun exited the meeting.

IV. Approval of Minutes for the Meeting of July 20, 2021 [11:27 AM]

Commissioner Kennedy made a motion to approve the minutes for the meeting of July 20, 2021, which was seconded by Commissioner Nonaka, and approved by all Commissioners present noting the excused absence of Commissioner Chun.

V. Election of Vice Chair(s) for the Reapportionment Commission [11:29 AM]

Commissioner Ono nominated Commissioner Nonaka, which was accepted. Commissioner Nonaka nominated Commissioner Ono, which was accepted.

Commissioner Nekota made a motion to elect Commissioner Nonaka as a vice chair, which was seconded by Commissioner Ono, and approved by all Commissioners present noting the excused absence of Commissioner Chun.

Commissioner Nekota made a motion to elect Commissioner Ono as a vice chair, which was seconded by Commissioner Rathbun, and approved by all Commissioners present noting the excused absence of Commissioner Chun.

VI. Presentation by the Reapportionment Staff on the following topics [11:37 AM]

- a. August 12, 2021 release of census data
- b. Method of population extraction
- c. Apportionment “method of equal proportions” of basic island units
- d. Single- or multi-member districts
- e. Standards and criteria governing redistricting, such as the use of “canoe districts”
- f. Propose Public Information Committee
- g. Redistricting website demonstration
- h. Proposed schedule

[12:02 PM]

Commissioner Chun rejoined the meeting.

[12:32 PM]

Commissioner Rathbun exited the meeting.

VII. Discussion on the Role of the Reapportionment Advisory Councils [1:07 PM]

[1:20 PM]

Commissioner Ono made a motion to enter executive session for the purposes of Agenda Item VI and Agenda Item VII, as well as the approval of executive session minutes, which was seconded by Commissioner Nekota, and approved by all Commissioners present noting the excused absence of Commissioner Rathbun.

VIII. Adjournment [1:48 PM]

Commissioner Nonaka made a motion to adjourn the meeting, which was seconded by Commissioner Kennedy, and approved by all Commissioners present noting the excused absence of Commissioner Rathbun.



MARK MUGIISHI, M.D.
CHAIR

**STATE OF HAWAII
REAPPORTIONMENT COMMISSION**

WRITTEN SUMMARY FOR VIDEO RECORD

**REGULAR MEETING OF THE
REAPPORTIONMENT COMMISSION**

SEPTEMBER 9, 2021 @ 1:00 PM

**Note: The video of the meeting may be viewed on our website
at [https://elections.hawaii.gov/about-us/boards-and-
commissions/reapportionment/](https://elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/)**

PROCEEDINGS

The time reference below indicates the point in the video of when the stated action begins.

I. Call to Order [1:00 PM]

The regular meeting of the Reapportionment Commission was called to order by Chair Mark Mugiishi.

II. Roll Call and Determination of a Quorum [1:01 PM]

All members of the Reapportionment Commission were present at the start of the meeting with the exception of Commissioner Nekota and Commissioner Nishimura.

III. Public Testimony [1:04 PM]

Public testimony was provided by Bart Dame, Cory Harden, Shannon Matson, Kainoa Kaumeheiwa-Rego of Common Cause Hawaii, Becky Gardner of Policy Matters LLC, Senator Laura Acasio, and Senator Donovan Dela Cruz.

[1:11 PM]

Commissioner Nekota joined the meeting.

[1:44 PM]

Commissioner Nishimura joined the meeting.

IV. Approval of Minutes for the Meeting of August 26, 2021 [2:05 PM]

Commissioner Kennedy made a motion to approve the minutes for the meeting of August 26, 2021, which was seconded by Commissioner Nonaka, and approved by the Commission noting that Chair Mugiishi's vote was not taken.

V. Discussion and Action to Establish the Permanent Resident Population Base [2:07 PM]

Commissioner Rathbun made a motion to enter executive session for the purposes of Agenda Item V, which was seconded by Commissioner Nekota, and approved unanimously by the Commission.

[3:46 PM]

Commissioner Nonaka made a motion to adopt the extraction of non-permanent residents from each basic island unit presented by the Reapportionment Project Office on August 26, 2021, which was seconded by Commissioner Kennedy, and approved unanimously by the Commission.

VI. Discussion and Action Regarding the Use of "Canoe Districts" [3:10 PM]

[4:27 PM]

Commissioner Rathbun made a motion to approve that the Commission would not use canoe districts, which was seconded by Commissioner Chun, and approved unanimously by the Commission.

VII. Discussion and Action Regarding the Standards and Criteria Governing the Reapportionment and Redistricting Process [3:34 PM]

[3:40 PM]

Commissioner Rathbun made a motion to adopt the standards and criteria included in the meeting materials, which was seconded by Commissioner Ono, and approved unanimously by the Commission.

VIII. Discussion and Action Regarding the Commission's Interaction with the
Advisory Councils [3:55 PM]

[4:10 PM]

Commissioner Nonaka was designated as the liaison to the Hawaii Advisory Council, Commissioner Chun was designated as the liaison to the Maui Advisory Council, Commissioner Nishimura was designated as the liaison to the Kauai Advisory Council, and Commissioner Kennedy was designated as the liaison to the Oahu Advisory Council.

IX. Presentation of Proposed Congressional Reapportionment Plans by the
Technical Committee Permitted Interaction Group [4:11 PM]

X. Adjournment [4:29]

Commissioner Nonaka made a motion to adjourn the meeting, which was seconded by Commissioner Ono, and approved unanimously by the Commission.



MARK MUGIISHI, M.D.
CHAIR

**STATE OF HAWAII
REAPPORTIONMENT COMMISSION**

WRITTEN SUMMARY FOR VIDEO RECORD

**REGULAR MEETING OF THE
REAPPORTIONMENT COMMISSION**

OCTOBER 14, 2021 @ 12:00 PM

**Note: The video of the meeting may be viewed on our website
at <https://elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/>**

PROCEEDINGS

The time reference below indicates the point in the video of when the stated action begins.

I. Call to Order [12:00 PM]

The regular meeting of the Reapportionment Commission was called to order by Chair Mark Mugiishi.

II. Roll Call and Determination of a Quorum [12:00 PM]

All members of the Reapportionment Commission were present at the start of the meeting.

III. Public Testimony [12:01 PM]

Public testimony was provided by Bart Dame, Nikhilananda, Sandy Ma of Common Cause Hawaii, Kimeona Kane, Vanessa Distajo, Rhiannon Callahan, Becky Gardner of Policy Matters LLC, Bill Hicks, Ellen Watson, Brett Kulbis, Amber Granite, and Matt Prellberg.

IV. Reports by the Apportionment Advisory Councils [1:00 PM]

Commissioner Nishimura stated that Kauai Advisory Council met and submitted a report to the Commission. Commissioner Chun stated that the Maui Advisory Council is scheduling their first meeting. Commissioner

Nonaka stated that the Hawaii Advisory Council is scheduling their second meeting to provide comments on the maps.

V. Approval of Minutes for the Meeting of September 9, 2021 [1:04 PM]

Commissioner Ono made a motion to approve the minutes for the meeting of September 9, 2021, which was seconded by Commissioner Nonaka and approved unanimously by the Commission.

VI. Discussion and Action to Adopt a Proposed Congressional Redistricting Plan [1:05 PM]

[1:15 PM]

Commissioner Kennedy made a motion to adopt the congressional alternate plan, which was seconded by Commissioner Nekota and approved unanimously by the Commission.

VII. Presentation of Proposed Legislative Redistricting Plans by the Technical Committee Permitted Interaction Group [1:16 PM]

The Technical Committee Permitted Interaction Group and Reapportionment Project Office staff presented the Legislative Redistricting Plans for the Senate and House as created by the Technical Committee Permitted Interaction Group.

VIII. Adjournment [2:29 PM]

Commissioner Nishimura made a motion to adjourn the meeting, which was seconded by Commissioner Nekota and approved unanimously by the Commission.



MARK MUGIISHI, M.D.
CHAIR

**STATE OF HAWAII
REAPPORTIONMENT COMMISSION**

WRITTEN SUMMARY FOR VIDEO RECORD

**REGULAR MEETING OF THE
REAPPORTIONMENT COMMISSION**

OCTOBER 28, 2021 @ 12:00 PM

**Note: The video of the meeting may be viewed on our website
at [https://elections.hawaii.gov/about-us/boards-and-
commissions/reapportionment/](https://elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/)**

PROCEEDINGS

The time reference below indicates the point in the video of when the stated action begins.

I. Call to Order [12:00 PM]

The regular meeting of the Reapportionment Commission was called to order by Chair Mark Mugiishi.

II. Roll Call and Determination of a Quorum [12:00 PM]

All members of the Reapportionment Commission were present at the start of the meeting with the exception of Commissioner Chipchase, Commissioner Kennedy, and Commissioner Nekota.

III. Public Testimony [12:02 PM]

Public testimony was provided by Bill Hicks, Bart Dame, Vanessa Distajo, Amy Monk, Kainoa Kaumeheiwa-Rego, Charles Sexton, Lisa Bishop, Kimeona Kane, Roberta Mayor, Ellen Watson, Kapohuolahaina Pa Moniz, Gail Baron, Becky Gardner, John Simonds, Representative Matthew S. LoPresti, Michael J. Golojuch, Jr., Eleanor Rolark, Rhiannon "Pili" Callahan, Nikhilananda, Matt Prellberg, Shannon Matson, Brett Kulbis, Ian Ross, Kapua Medeiros, Patrice Macdonald, and Robert E. Fox.

[12:03 PM]

Commissioner Kennedy was acknowledged as present.

[12:04 PM]

Commissioner Chipchase was acknowledged as present.

[12:10 PM]

Commissioner Nekota was acknowledged as present.

IV. Reports by the Apportionment Advisory Councils [2:08 PM]

[2:13 PM]

Chair Hermina Morita provided a report on behalf of the Kauai Advisory Council.

V. Approval of Minutes for the Meeting of October 14, 2021 [2:14 PM]

Commissioner Kennedy made a motion to approve the minutes for the meeting of October 14, 2021, which was seconded by Commissioner Nekota and approved unanimously by the Commission.

VI. Discussion Regarding the Conduct of Public Hearings and Future Meeting Dates [2:16 PM]

VII. Discussion and Action to Adopt the Proposed Legislative Redistricting Plan [2:36]

[2:36 PM]

Commissioner Nekota made a motion to adopt the Technical Committee Permitted Interaction Group's legislative redistricting plan, which was seconded by Commissioner Nonaka and approved unanimously by the Commission.

VIII. Adjournment [2:39 PM]

Commissioner Ono made a motion to adjourn the meeting, which was seconded by Commissioner Kennedy and approved unanimously by the Commission.



MARK MUGIISHI, M.D.
CHAIR

**STATE OF HAWAII
REAPPORTIONMENT COMMISSION**

WRITTEN SUMMARY FOR VIDEO RECORD

**REGULAR MEETING OF THE
REAPPORTIONMENT COMMISSION**

DECEMBER 22, 2021 @ 1:00 PM

**Note: The video of the meeting may be viewed on our website
at <https://elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/>**

PROCEEDINGS

The time reference below indicates the point in the video of when the stated action begins.

I. Call to Order [1:00 PM]

The regular meeting of the Reapportionment Commission was called to order by Chair Mark Mugiishi.

II. Roll Call and Determination of a Quorum [1:00 PM]

All members of the Reapportionment Commission were present at the start of the meeting with the exception of Commissioner Chipchase.

III. Public Testimony [1:02 PM]

Public testimony was provided by Shannon Matson, Cory Harden, Danielle Bass, William Sims, Ralph Boyea, Patrice Macdonald, Kimeona Kane, Lisa Bishop, Sandy Ma, Gordon Aoyagi, Trish La Chica, Bill Hicks, Kapua Medeiros, Mary Smart, Roberta Mayor, Mariliz Reilly, Bart Dame, Liza Ryan Gill, Elise Carmody, Vanessa Distajo, Ian Ross, Nikhilananda, Brenda Wong, Andrew Salenger, Jacquelyn Benton Ching, Brett Kulbis, Becky Gardner, Kapohuolahaina Pa Moniz, Matt Prellberg, Moanikeala Nanod-Sitch, Jerry, Donald Sakamoto, and Edward Ralston.

IV. Reports by the Apportionment Advisory Councils [2:42 PM]

Chair Tony Takitani provided a report on behalf of the Maui Advisory Council.

Commissioner Kennedy reported on behalf of the Oahu Advisory Council.

Commissioner Nishimura stated that the Kauai Advisory Council submitted written testimony.

Commissioner Nonaka stated that there was no report from the Hawaii Advisory Council.

V. Approval of Minutes for the Meeting of October 28, 2021 [2:58 PM]

Commissioner Ono made a motion to approve the minutes for the meeting of October 28, 2021, which was seconded by Commissioner Kennedy and approved unanimously by the Commission, noting the excused absence of Commissioner Chipchase.

VI. Report on the Status of the Reapportionment Commission's September 2021 Request that the Military Confirm the Number of Active-Duty Sponsors with Duty Station of Hawaii but State of Legal Residence Not Hawaii by Mailing Zip and Mailing Zip Extension, and Action, If Necessary, Regarding the Permanent Resident Population Base to be Used for Legislative Reapportionment and Redistricting [3:00 PM]

VII. Presentation on the Conduct of the Public Hearings by the Reapportionment Project Office [3:25]

VIII. Presentation of Proposed Final Legislative and Congressional Reapportionment Plans by the Technical Committee Permitted Interaction Group [3:28 PM]

The members of the Technical Committee Permitted Interaction Group, Commissioner Nekota, Commissioner Nonaka, Commissioner Ono, and Commissioner Rathbun, reviewed the changes to the proposed final reapportionment plans.

IX. Adjournment [4:25 PM]

Commissioner Nishimura made a motion to adjourn the meeting, which was seconded by Commissioner Nekota and approved unanimously by the Commission, noting the excused absence of Commissioner Chipchase.



MARK MUGIISHI, M.D.
CHAIR

**STATE OF HAWAII
REAPPORTIONMENT COMMISSION**

WRITTEN SUMMARY FOR VIDEO RECORD

**REGULAR MEETING OF THE
REAPPORTIONMENT COMMISSION**

JANUARY 3, 2022 @ 1:00 PM

**Note: The video of the meeting may be viewed on our website
at [https://elections.hawaii.gov/about-us/boards-and-
commissions/reapportionment/](https://elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/)**

PROCEEDINGS

The time reference below indicates the point in the video of when the stated action begins.

I. Call to Order [1:00 PM]

The regular meeting of the Reapportionment Commission was called to order by Chair Mark Mugiishi.

II. Roll Call and Determination of a Quorum [1:01 PM]

All members of the Reapportionment Commission were present at the start of the meeting with the exception of Commissioner Chun and Commissioner Rathbun.

[1:02 PM]

Commissioner Rathbun joined the meeting.

III. Public Testimony [1:04 PM]

Public testimony was provided by Mialisa Otis, Valerie Wang, Kimeona Kane, Sandy Ma, Bill Hicks, Mary Smart, Lisa Bishop, Robert Fox, Kapua Medeiros, Bart Dame, Patricia Molina, Jody Green, Kapohuolahaina Pa Moniz, Ingrid Peterson, Malia Otto, Shannon Matson, Irish Barber, Becky Gardner, Roberta Mayor, Bronson Azama, Mel Wildman,

Nikhilananda, Kukana Kama-Toth, Jenny Steele, Larry Veray, and Louisa Keawe.

IV. Reports by the Apportionment Advisory Councils [2:15 PM]

No reports were provided by the Apportionment Advisory Councils.

V. Approval of Minutes for the Meeting of December 22, 2021 [2:16 PM]

Commissioner Kennedy made a motion to approve the minutes for the meeting of December 22, 2021, which was seconded by Commissioner Ono and approved unanimously by the Commission, noting the excused absence of Commissioner Chun.

VI. Report on the Status of the Reapportionment Commission's September 2021 Request that the Military Confirm the Number of Active-Duty Sponsors with Duty Station of Hawaii but State of Legal Residence Not Hawaii by Mailing Zip and Mailing Zip Extension, and Action, If Necessary, Regarding the Permanent Resident Population Base to be Used for Legislative Reapportionment and Redistricting [2:17 PM]

[2:44 PM]

Commissioner Nekota made a motion to enter into executive session to consult with the Commission's attorney pursuant to HRS 92-2.5(a)(4), which was seconded by Commissioner Nonaka and approved unanimously by the Commission noting the excused absence of Commissioner Chun.

[4:04 PM]

Commissioner Chun joined the meeting.

[4:22 PM]

Public testimony was provided by Kapua Medeiros, Mary Smart, Mialisa Otis, Bart Dame, Brett Kulbis, Shannon Matson, Kimeona Kane, Sandy Ma, and Bill Hicks.

VII. Discussion on the Proposed Final Legislative and Congressional Reapportionment Plans [4:45 PM]

VIII. Discussion on the Senate Staggered Terms Based on the Proposed Final Legislative Reapportionment Plan [4:45 PM]

IX. Adjournment [4:45 PM]

Commissioner Nekota made a motion to adjourn the meeting, which was seconded by Commissioner Ono and approved unanimously by the Commission.



MARK MUGIISHI, M.D.
CHAIR

**STATE OF HAWAII
REAPPORTIONMENT COMMISSION**

WRITTEN SUMMARY FOR VIDEO RECORD

**REGULAR MEETING OF THE
REAPPORTIONMENT COMMISSION**

JANUARY 6, 2022 @ 10:00 AM

**Note: The video of the meeting may be viewed on our website
at [https://elections.hawaii.gov/about-us/boards-and-
commissions/reapportionment/](https://elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/)**

PROCEEDINGS

The time reference below indicates the point in the video of when the stated action begins.

I. Call to Order [10:00 AM]

The regular meeting of the Reapportionment Commission was called to order by Chair Mark Mugiishi.

II. Roll Call and Determination of a Quorum [10:01 AM]

All members of the Reapportionment Commission were present at the start of the meeting with the exception of Commissioner Chipchase.

III. Public Testimony [10:03 AM]

Public testimony was provided by Kimeona Kane, Mialisa Otis, Bill Hicks, Kainoa Kaumeheiwa-Rego, Ralph Boyea, Lisa Bishop, Mary Smart, Bart Dame, Laura Safranski, Ted Ralston, Brett Kulbis, Sumner La Croix, Becky Gardner, Kapua Medeiros, Ingrid Peterson, Kapohuolahaina Pa Moniz, Louisa Keawe, and Mel Wildman.

[10:39 AM]

Commissioner Chipchase was acknowledged as present.

IV. Reports by the Apportionment Advisory Councils [10:51 AM]

No reports were provided by the Apportionment Advisory Councils.

V. Approval of Minutes for the Meeting of January 3, 2021 [10:52 AM]

Chair Mugiishi clarified that the Commission is seeking to approve the minutes for the meeting of January 3, 2022.

Commissioner Rathbun made a motion to approve the minutes for the meeting of January 3, 2022, which was seconded by Commissioner Nishimura and approved unanimously by the Commission.

VI. Report on the Status of the Reapportionment Commission's September 2021 Request that the Military Confirm the Number of Active-Duty Sponsors with Duty Station of Hawaii but State of Legal Residence Not Hawaii by Mailing Zip and Mailing Zip Extension, and Action, If Necessary, Regarding the Permanent Resident Population Base to be Used for Legislative Reapportionment and Redistricting [10:53 AM]

[10:54 AM]

Chair Mugiishi asked Project Manager David Rosenbrock and GIS Project Support Royce Jones to provide an update on the Hawaii Permanent Resident Population Base.

[11:34 AM]

Commissioner Nekota made a motion to enter into executive session to consult with the Commission's attorney pursuant to HRS 92-2.5(a)(4), which was seconded by Commissioner Ono and approved unanimously by the Commission.

[12:21 PM]

Commissioner Chipchase was acknowledged as having left the meeting.

[1:50 PM]

Public testimony was provided by Ralph Boyea, Meizhu Lui, Sumner La Croix, Kimeona Kane, Becky Gardner, Mary Smart, Amy Monk, Bill Hicks, Ingrid Peterson, Shannon Matson, Bart Dame, and Barbara Dalton.

[2:31 PM]

Commissioner Chun made a motion to adopt the Hawaii Statewide Population Base as presented by the staff for legislative apportionment and redistricting, which was seconded by Commissioner Nishimura, and approved unanimously by the Commission, noting the excused absence of Commissioner Chipchase.

VII. Discussion on the Proposed Final Legislative and Congressional Reapportionment Plans [2:33 PM]

Commissioner Kennedy made a motion to direct the Technical Committee Permitted Interaction Group to modify the proposed final legislative plans based on the revised permanent resident population base, which was seconded by Commissioner Nekota, and approved unanimously by the Commission, noting the excused absence of Commissioner Chipchase.

VIII. Adjournment [2:46 PM]

Commissioner Ono made a motion to adjourn the meeting, which was seconded by Commissioner Nekota and approved unanimously by the Commission, noting the excused absence of Commissioner Chipchase.



MARK MUGIISHI, M.D.
CHAIR

**STATE OF HAWAII
REAPPORTIONMENT COMMISSION**

WRITTEN SUMMARY FOR VIDEO RECORD

**REGULAR MEETING OF THE
REAPPORTIONMENT COMMISSION**

JANUARY 13, 2022 @ 1:00 PM

**Note: The video of the meeting may be viewed on our website
at [https://elections.hawaii.gov/about-us/boards-and-
commissions/reapportionment/](https://elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/)**

PROCEEDINGS

The time reference below indicates the point in the video of when the stated action begins.

I. Call to Order [1:00 PM]

The regular meeting of the Reapportionment Commission was called to order by Chair Mark Mugiishi.

II. Roll Call and Determination of a Quorum [1:01 PM]

All members of the Reapportionment Commission were present at the start of the meeting with the exception of Commissioner Chipchase.

[1:03 PM]

Commissioner Chipchase was acknowledged as present.

III. Reports by the Apportionment Advisory Councils [1:03 PM]

No reports were provided by the Apportionment Advisory Councils.

IV. Approval of Minutes for the Meeting of January 6, 2022 [1:04 PM]

Commissioner Nekota made a motion to approve the minutes for the

meeting of January 6, 2022, which was seconded by Commissioner Ono and approved unanimously by the Commission.

V. Presentation of Modified Proposed Final Legislative and Congressional Reapportionment Plans by the Technical Committee Permitted Interaction Group [1:05 PM]

[1:33 PM]

Public testimony was provided by Bill Hicks, Mialisa Otis, Jeanné Kapela, Kimeona Kane, Ralph Boyea, Kapua Medeiros, Jeannine Johnson, Kainoa Kaumeheiwa-Rego, Mary Smart, Cory Harden, Trish La Chica, Larry Veray, Bart Dame, Lisa Bishop, Brenda Wong, Shannon Matson, May Mizuno, Ian Ross, Phil Barnes, Ariel Murphy, Roberta Mayor, Mary Marvin Porter, John Olsen, Kapohuolahaina Pa Moniz, Winston Welch, Becky Gardner, Louisa Keawe, and Claire Tamamoto.

VI. Adjournment [2:56 PM]

Commissioner Nekota made a motion to adjourn the meeting, which was seconded by Commissioner Kennedy and approved unanimously by the Commission.



MARK MUGIISHI, M.D.
CHAIR

**STATE OF HAWAII
REAPPORTIONMENT COMMISSION**

WRITTEN SUMMARY FOR VIDEO RECORD

**REGULAR MEETING OF THE
REAPPORTIONMENT COMMISSION**

JANUARY 20, 2022 @ 2:00 PM

**Note: The video of the meeting may be viewed on our website
at [https://elections.hawaii.gov/about-us/boards-and-
commissions/reapportionment/](https://elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/)**

PROCEEDINGS

The time reference below indicates the point in the video of when the stated action begins.

I. Call to Order [2:00 PM]

The regular meeting of the Reapportionment Commission was called to order by Chair Mark Mugiishi.

II. Roll Call and Determination of a Quorum [2:00 PM]

All members of the Reapportionment Commission were present at the start of the meeting with the exception of Commissioner Chipchase and Commissioner Kennedy.

III. Public Testimony [2:02 PM]

Public testimony was provided by Eileen O'Hara, Mary Smart, Kimeona Kane, Ralph Boyea, Sandy Ma, Bill Hicks, Amy Perruso, Kapua Medeiros, Lisa Bishop, Ingrid Peterson, Maki Morinoue, Roberta Mayor, Shannon Matson, Kapohuolahaina Pa Moniz, and Ariel Murphy.

[2:22 PM]

Commissioner Chipchase was acknowledged as present.

IV. Consideration of Public Testimony Regarding Modified Final Legislative and Congressional Reapportionment Plans Recommended by the Technical Committee Permitted Interaction Group [2:45 PM]

V. Reports by the Apportionment Advisory Councils [2:51 PM]

Steven Pavao, Chair of the Hawaii Advisory Council, provided a report.

Chair Mugiishi noted that the Oahu Advisory Council provided a report in the meeting packet.

VI. Discussion and Potential Action on the January 11, 2022 Letter from the Hawaii State Senate Standing Committee on Government Operations Regarding Informational Briefing on Reapportionment [2:56 PM]

The Reapportionment Project Manager David Rosenbrock presented the request by the Senate Committee on Government Operations.

[3:15 PM]

Commissioner Nishimura made a motion to authorize Chair Mugiishi to respond to the Senate Committee by declining to use the criteria and procedure used by the State of Kansas to adjust census population data to count permanent military and student residents seconded by Commissioner Ono and approved unanimously by the Commission noting the excused absence of Commissioner Kennedy.

[3:17 PM]

Commissioner Ono made a motion to enter into executive session to consult with the Commission's attorney pursuant to HRS 92-2.5(a)(4), which was seconded by Commissioner Nekota and approved unanimously by the Commission noting the excused absence of Commissioner Kennedy.

[4:01 PM]

The Commission returned to open session.

[4:03 PM]

Commissioner Ono made a motion to authorize Chair Mugiishi to respond to the Senate Committee by declining to reduce the extraction number in the manner proposed in paragraph 1 of the Senate Committee's January 11, 2022 letter which was seconded by Commissioner Nishimura and approved

unanimously by the Commission noting the excused absence of Commissioner Kennedy.

VII. Adjournment [4:07 PM]

Commissioner Ono made a motion to adjourn the meeting, which was seconded by Commissioner Nekota and approved unanimously by the Commission noting the excused absence of Commissioner Kennedy.



MARK MUGIISHI, M.D.
CHAIR

**STATE OF HAWAII
REAPPORTIONMENT COMMISSION**

WRITTEN SUMMARY FOR VIDEO RECORD

**REGULAR MEETING OF THE
REAPPORTIONMENT COMMISSION**

JANUARY 21, 2022 @ 10:00 AM

**Note: The video of the meeting may be viewed on our website
at [https://elections.hawaii.gov/about-us/boards-and-
commissions/reapportionment/](https://elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/)**

PROCEEDINGS

The time reference below indicates the point in the video of when the stated action begins.

I. Call to Order [10:01 AM]

The regular meeting of the Reapportionment Commission was called to order by Chair Mark Mugiishi.

II. Roll Call and Determination of a Quorum [10:01 AM]

All members of the Reapportionment Commission were present at the start of the meeting with the exception of Commissioner Kennedy, Commissioner Nonaka, and Commissioner Rathbun.

III. Public Testimony [10:11 AM]

Public testimony was provided by Ralph Boyea, Mialisa Otis, Kapua Medeiros, Bart Dame, Kimeona Kane, Maki Morinoue, Larry Veray, Ariel Murphy, and Gordon Aoyagi.

IV. Consideration of Public Testimony Regarding Modified Final Legislative and Congressional Reapportionment Plans Recommended by the Technical Committee Permitted Interaction Group [10:35 AM]

V. Reports by the Apportionment Advisory Councils [10:37 AM]

No reports were provided by the Apportionment Advisory Councils.

VI. Discussion and Potential Action on the January 11, 2022 Letter from the Hawaii State Senate Standing Committee on Government Operations Regarding Informational Briefing on Reapportionment [10:03 AM]

Pursuant to HRS § 92-5(a)(4), the Commission anticipates that it may need to hold an executive meeting to consult with its attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities regarding this agenda item.

VII. Adjournment [10:38 AM]

Commissioner Ono made a motion to adjourn the meeting, which was seconded by Commissioner Chun and approved unanimously by the Commission noting the excused absence of Commissioner Kennedy, Commissioner Nonaka, and Commissioner Rathbun.



MARK MUGIISHI, M.D.
CHAIR

**STATE OF HAWAII
REAPPORTIONMENT COMMISSION**

WRITTEN SUMMARY FOR VIDEO RECORD

**REGULAR MEETING OF THE
REAPPORTIONMENT COMMISSION**

JANUARY 22, 2022 @ 2:00 PM

**Note: The video of the meeting may be viewed on our website
at [https://elections.hawaii.gov/about-us/boards-and-
commissions/reapportionment/](https://elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/)**

PROCEEDINGS

The time reference below indicates the point in the video of when the stated action begins.

I. Call to Order [2:00 PM]

The regular meeting of the Reapportionment Commission was called to order by Chair Mark Mugiishi.

II. Roll Call and Determination of a Quorum [2:00 PM]

All members of the Reapportionment Commission were present at the start of the meeting with the exception of Commissioner Chipchase, Commissioner Kennedy, and Commissioner Rathbun.

III. Public Testimony [2:02 PM]

Public testimony was provided by Kimeona Kane, Bart Dame, Bill Hicks, Sarah Haussermann, Richard Bidleman, Ariel Murphy, Ralph Boyea, Mary Smart, Patrice Macdonald, Roberta Mayor, Maki Morinoue, Kapua Medeiros, Kapohuolahaina Pa Moniz, Becky Gardner, Shannon Matson, Ryan Tam, and Louisa Keawe.

IV. Consideration of Public Testimony Regarding Modified Final Legislative and Congressional Reapportionment Plans Recommended by the Technical Committee Permitted Interaction Group [2:46 PM]

V. Reports by the Apportionment Advisory Councils [2:48 PM]

No reports were provided by the Apportionment Advisory Councils.

VI. Adjournment [2:48 PM]

Commissioner Nekota made a motion to adjourn the meeting, which was seconded by Commissioner Nishimura and approved unanimously by the Commission noting the excused absence of Commissioner Chipchase, Commissioner Kennedy, and Commissioner Rathbun.



MARK MUGIISHI, M.D.
CHAIR

**STATE OF HAWAII
REAPPORTIONMENT COMMISSION**

WRITTEN SUMMARY FOR VIDEO RECORD

**REGULAR MEETING OF THE
REAPPORTIONMENT COMMISSION**

JANUARY 26, 2022 @ 1:00 PM

**Note: The video of the meeting may be viewed on our website
at [https://elections.hawaii.gov/about-us/boards-and-
commissions/reapportionment/](https://elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/)**

PROCEEDINGS

The time reference below indicates the point in the video of when the stated action begins.

I. Call to Order [1:00 PM]

The regular meeting of the Reapportionment Commission was called to order by Chair Mark Mugiishi.

II. Roll Call and Determination of a Quorum [1:01 PM]

All members of the Reapportionment Commission were present at the start of the meeting with the exception of Commissioner Nishimura, Commissioner Nonaka, and Commissioner Rathbun.

[1:02 PM]

Commissioner Nishimura was acknowledged as present.

III. Public Testimony [1:04 PM]

Public testimony was provided by Kimeona Kane, Ralph Boyea, Mary Smart, Kapua Medeiros, Bart Dame, Lisa Bishop, Ingrid Peterson, Shannon Matson, Homelani Schaedel, Ariel Murphy, Selene Wayne, Becky Gardner, and Bill Hicks.

[1:10 PM]

Commissioner Nonaka was acknowledged as present.

IV. Reports by the Apportionment Advisory Councils [1:45 PM]

Steven Pavao, Chair of the Hawaii Advisory Council provided clarification of his previous report.

V. Approval of Minutes for the Meeting of January 13, 2022 [1:48 PM]

Commissioner Nekota made a motion to approve the minutes for the meeting of January 13, 2022, which was seconded by Commissioner Nishimura and approved unanimously by the Commission noting the excused absence of Commissioner Rathbun.

VI. Approval of Minutes for the Meeting of January 20, 2022 [1:49 PM]

Commissioner Chun made a motion to approve the minutes for the meeting of January 20, 2022, which was seconded by Commissioner Ono and approved unanimously by the Commission noting the excused absence of Commissioner Rathbun.

VII. Approval of Minutes for the Meeting of January 21, 2022 [1:50 PM]

Commissioner Nekota made a motion to approve the minutes for the meeting of January 21, 2022, which was seconded by Commissioner Kennedy and approved unanimously by the Commission noting the excused absence of Commissioner Rathbun.

VIII. Approval of Minutes for the Meeting of January 22, 2022 [1:51 PM]

Commissioner Nekota made a motion to approve the minutes for the meeting of January 22, 2022, which was seconded by Commissioner Ono and approved unanimously by the Commission noting the excused absence of Commissioner Rathbun.

IX. Potential Presentation of Further Modified Proposed Final Legislative Reapportionment Plans by the Technical Committee Permitted Interaction Group [1:52 PM]

- X. Discussion and Action on the Modified Proposed Final Legislative and Congressional Reapportionment and Redistricting Plans Recommended by the Technical Committee Permitted Interaction Group on January 13, 2022 [2:03 PM]

[2:14 PM]

Commissioner Nekota made a motion to enter into executive session to consult with the Commission's attorney pursuant to HRS 92-2.5(a)(4), which was seconded by Commissioner Ono and approved unanimously by the Commission noting the excused absence of Commissioner Rathbun.

- XI. Discussion and Action on the Senate Staggered Terms Based on the Final Legislative and Congressional Reapportionment and Redistricting Plans [2:56 PM]

- XII. Adjournment [3:01 PM]

Commissioner Nekota made a motion to adjourn the meeting, which was seconded by Commissioner Ono and approved unanimously by the Commission noting the excused absence of Commissioner Rathbun.



MARK MUGIISHI, M.D.
CHAIR

**STATE OF HAWAII
REAPPORTIONMENT COMMISSION**

WRITTEN SUMMARY FOR VIDEO RECORD

**REGULAR MEETING OF THE
REAPPORTIONMENT COMMISSION**

JANUARY 28, 2022 @ 1:00 PM

**Note: The video of the meeting may be viewed on our website
at <https://elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/>**

PROCEEDINGS

The time reference below indicates the point in the video of when the stated action begins.

I. Call to Order [1:00 PM]

The regular meeting of the Reapportionment Commission was called to order by Chair Mark Mugiishi.

II. Roll Call and Determination of a Quorum [1:00 PM]

All members of the Reapportionment Commission were present at the start of the meeting with the exception of Commissioner Chipchase and Commissioner Nishimura.

III. Public Testimony [1:03 PM]

Public testimony was provided by Kimeona Kane, Michael Konowicz, Ralph Boyea, Lisa Bishop, Sandy Ma, Kapua Medeiros, Richard Bidleman, Ruth Smith, Bart Dame, Bill Hicks, Gordon Aoyagi, Homelani Schaedel, Deborah Ward, Roberta Mayor, Ariel Murphy, JD Domizio, Brett Kulbis, Shannon Matson, and Becky Gardner.

[1:09 PM]

Commissioner Chipchase was acknowledged as present.

[1:16 PM]

Commissioner Nishimura was acknowledged as present.

IV. Reports by the Apportionment Advisory Councils [1:54 PM]

No reports were provided by the Apportionment Advisory Councils.

V. Approval of Minutes for the Meeting of January 26, 2022 [1:54 PM]

Commissioner Nekota made a motion to approve the minutes for the meeting of January 26, 2022, which was seconded by Commissioner Nishimura and approved unanimously by the Commission.

VI. Discussion and Action on the Modified Proposed Final Legislative and Congressional Reapportionment and Redistricting Plans Recommended by the Technical Committee Permitted Interaction Group [1:56 PM]

[2:01 PM]

Commissioner Nekota made a motion to adopt the proposed Final Legislative and Congressional Reapportionment and Redistricting Plans recommended by the Technical Committee Permitted Interaction Group on January 26, 2022, which was seconded by Commissioner Ono and approved unanimously by the Commission.

AYES: CHIPCHASE, CHUN, MUGIISHI, NEKOTA, NISHIMURA, NONAKA,
ONO, RATHBUN – 8

NO: KENNEDY – 1

[2:22 PM]

Commissioner Ono made a motion to allow the Reapportionment Project Office to make technical, non-substantive changes to the adopted Legislative and Congressional Reapportionment and Redistricting Plan providing that a change affect fewer than 200 people and the basic island unit deviations do not exceed plus or minus 4.9% which was seconded by Commissioner Rathbun and approved unanimously by the Commission.

VII. Discussion and Action on the Senate Staggered Terms Based on the Final Legislative and Congressional Reapportionment and Redistricting Plans [2:23 PM]

[2:29 PM]

Commissioner Kennedy made a motion to adopt the Staggered Senate Terms as presented by the Reapportionment Project Office at the January 26, 2022, meeting which was seconded by Commissioner Rathbun and approved unanimously by the Commission.

VIII. Adjournment [2:31 PM]

Commissioner Nekota made a motion to adjourn the meeting, which was seconded by Commissioner Nishimura and approved unanimously by the Commission.

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APPENDIX D

ROUGH TRANSCRIPTS FOR PORTIONS OF
2021 REAPPORTIONMENT COMMITTEE MEETINGS

May 17, 2021, Reapportionment Committee meeting

Video recording available at <https://www.youtube.com/watch?v=mARxrUzwgZQ>

1 12:48:50 Commissioner Mugiishi: Okay, thank you commissioners we're now going to move to
2 agenda items 6 and 7, and I'm going to recommend that we take up agenda items six and seven
3 together because they're related. So agenda item six permits the commission to address the
4 technical development of plans, like extraction of non-permanent residents, whether redrawing
5 the lines should start with the existing districts and then make changes to accommodate for the
6 changes in the census data, whether there should be single member or multi-member legislative
7 districts, whether canoe districts or state legislative seats which encompass more than one island
8 should be allowed, and basic housekeeping matters like that. We need to, like, decide how the
9 commission wants to conduct its business. So we can either decide that here as a full
10 commission, or we can establish committees to investigate matters and make recommendations
11 that the committee can then vote on it, or the commission can then vote on at a subsequent
12 meeting. So in the past this has included a committee that would discuss these rules, you know,
13 a committee to develop rules and operation and conducts. So we can entertain whether we want
14 to do that. The 2011 rules committee recommendations were given to you in advance in the
15 packet. There was also a technical committee that was established that was intended to prepare
16 the plans necessary for drawing the lines with the GIS vendor and the commission staff. So if the
17 commissioners are interested in being part of those committees, please let me know and I can
18 appoint you to those. However, because of Sunshine Law rules, there can only be four
19 commissioners on the committee, and of course I will not be on any of those committees, but
20 because there can only be four, I would ask that only one member from each appointing
21 authority join any committee so that we will only have a maximum of four. The committees will
22 then be tasked with a particular scope to investigate and report back their findings which we
23 would discuss and ratify at a full commission meeting. So with that I kind of like, put it all
24 together, so that the commission members can discuss agenda items six and seven. We can
25 either delay to a later meeting discussing the rules of conduct, we can establish and assign them
26 to committees, you know after establishing the committees, or we can discuss further, whatever
27 your pleasure. So with that I'll open it up to discussion.

28 12:51:50 Commissioner Kennedy: I mean personally I feel like we need to have an
29 understanding of what the committees should be. Does anybody have an understanding of what
30 are the committees that we need?

May 17, 2021, Reapportionment Committee meeting

Video recording available at <https://www.youtube.com/watch?v=mARxrUzwgzQ>

1 12:52:04 Commissioner Mugiishi: Yeah, you know I think maybe our two veterans who were
2 present in 2011 can cast a little more light. But from my understanding what happened then,
3 there were two committees: one committee was to create the rules of conduct so that we could
4 understand the best way we want to operate, and to then to bring that to the full commission for
5 approval, and the second was a technical committee that actually was involved with the GIS
6 vendor and the project manager at actually creating the line.

7 12:52:40 Commissioner Rathbun: I would ask if the Secretary has any legacy data that we could
8 review and look at with regards to the committees?

9 12:52:43 Secretary Nago: Legacy data as far as the last the data from the 2011 reapportionment?

10 12:52:01 Commissioner Rathbun: Yes.

11 12:53:01 Commissioner Kennedy: As far as these two committees are concerned. If those
12 committees like what were their findings.

13 12:53:10 Secretary Nago: Oh, what were their findings. So as far as the rules committees, the
14 rules are actually in your packet, that was what their findings were and it was voted on by the
15 entire commission as to how they wanted to proceed with their conduct. The technical committee
16 was responsible for proposing the actual lines for the House and Senate, which was then voted
17 on by the commission at a subsequent meeting.

18 12:53:40 Commissioner Kennedy: I guess the question is do we need the rules of conduct
19 committee. Does anyone believe that we need to hash that out?

20 12:53:54 Commissioner Nonaka: It's worth having a discussion and a review and if the
21 recommendations are the same as they were the last time, I mean we can just ratify that as a
22 commission, after the committee reviews it.

23 12:54:04 Commissioner Chipchase: I agree.

24 12:54:04 Commissioner Nekota: I agree with you guys, I think we should just - it should still be
25 there.

26 12:54:18 Commissioner Nonaka: And then from the technical committee standpoint, I mean
27 that's a critical one in the whole process. It's very time consuming and, it's a lot of work to put
28 together the draft maps and so for those looking to serve on that one, just prepare for at least
29 weekly meetings in between commission meetings for multiple hours at a time because it's a long

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Video recording available at <https://www.youtube.com/watch?v=mARxrUzwgzQ>

1 arduous process to go through each district by district and island by island, and actually draw the
2 lines. So that was that one's a lot bigger of a commitment.

3 12:55:01 Commissioner Chipchase: Dylan and I were both on the technical committee last time,
4 but this time we are appointed by the same appointing authority. And so in accord with the
5 chair's recommendation, which I agree with, we would not both be on the technical committee
6 this time, but I would suggest that one of us serve on a technical committee, and my
7 recommendation would be Dylan. I'm happy to serve on the rules committee to review what we
8 did in the last reapportionment and participate in discussion whether we want to change or
9 simply ratify the same procedure.

10 12:55:43 Commissioner Nekota: Okay since I was not on it last time, I would want to be on the
11 committee that would actually draw the lines.

12 12:55:58 Commissioner Ono: I think Commissioner Chun and I have spoken, and he will do the
13 rules committee and I will do the technical committee.

14 12:56:13 Commissioner Kennedy: I didn't know there was a choice, but I would love to do the
15 technical one, but Kevin do we need to talk? How do you guys all know you're supposed to talk
16 before the meetings about things?

17 12:56:35 Commissioner Chipchase: Dylan and I didn't talk, I just threw him out there. But he's
18 on mute so he couldn't say no quickly enough.

19 12:56:32 Commissioner Nonaka: Thanks Cal, appreciate it.

20 12:56:39 Commissioner Kennedy: What are you thinking Kevin?

21 12:56:44 Commissioner Rathbun: Yeah you can go ahead and do the technical, I was thinking
22 about that but I'll join the rules committee.

23 12:56:49 Commissioner Kennedy: So it can only be one from each?

24 12:56:56 Commissioner Nekota: That is correct. Actually the most growth is in westward
25 O'ahu, so I thought Kevin was from westward O'ahu. Are you not Kevin?

26 12:57:07 Commissioner Rathbun: That was my thought.

27 12:57:10 Commissioner Nekota: Yeah, and I think that's, to be perfectly honest, I think that's
28 where the most goals should be, and that's where probably the most technical person should
29 be. So I would actually think that. And like me, I'm from Central O'ahu, so I know that we
30 have Pearlridge, and West O'ahu has Ho'opili, so I think the growth is in those two areas.

May 17, 2021, Reapportionment Committee meeting

Video recording available at <https://www.youtube.com/watch?v=mARxUzwgzQ>

- 1 12:57:42 Commissioner Kennedy: If you want to take it, it's up to you.
- 2 12:57:45 Commissioner Rathbun: I'm comfortable with that. We do have the most growth in the
3 state.
- 4 12:57:58 Commissioner Nonaka: Just to clarify process with that, and I'm sure things have
5 gotten a lot better than they were 10 years ago, but there is a system that the contractor will
6 provide that will give everybody access to the software to make adjustments and make proposals,
7 and so no one would be excluded in terms of examining the data and then coming up with
8 proposed plans, and the public will also have access to that also, or did 10 years ago, so I'm sure
9 that software has improved significantly. You don't have to be on the technical committee to
10 have input, I guess is the short story. Everybody will have an opportunity.
- 11 12:58:44 Commissioner Kennedy: That's important, that's cool. Okay.
- 12 12:58:47 Commissioner Mugiishi: Yeah that's great, thanks for the clarification Dylan. And
13 also, I would just say that ultimately, we're all going to have a responsibility to vote our
14 conscience when we vote on the final lines, and you know I'm just fully expecting that
15 everybody will have looked at it and thoroughly felt in their own hearts that they're doing the
16 right thing. So that will mean that we'll all be paying attention to how the lines are being
17 drawn. So with that, first I guess I'm just assuming by the fact that we jumped to who was going
18 to be on which committee - are we agreeing that we're going to create these two
19 committees? One would be a rules and conduct committee that will look at the 2011 rules and
20 see if we're going to adopt them as is or make some adjustments to it, and the second would be a
21 technical committee that would actually do the preliminary work to creating the work product
22 with the GIS vendor. So are we first saying that we would like to have those two
23 committees? Is there a motion for that?
- 24 12:59:45 Commissioner Nekota: I'll make a motion for that.
- 25 12:59:46 Commissioner Nishimura: Second.
- 26 12:59:47 Commissioner Mugiishi: Okay any further discussion? All in favor say aye.
- 27 12:59:55 Multiple members: Aye
- 28 12:59:58 Commissioner Mugiishi: Any opposed?
- 29 [None opposed].

May 17, 2021, Reapportionment Committee meeting

Video recording available at <https://www.youtube.com/watch?v=mARxrUzwgzQ>

- 1 13:00:06 Commissioner Mugiishi: Okay so we have our two committees, and from what I'm
- 2 reading is that, and this next part doesn't require motion because I get to appoint who it is, but
- 3 I'm hearing that Dylan, Charlotte, Diane, and Kevin will be on the technical committee, and that
- 4 Cal, Robin, Grant, and Randy will be on the rules committee. Did I misspeak on anybody's
- 5 place?
- 6 13:00:46 Commissioner Nonaka: Sounds good.
- 7 13:00:46 Commissioner Mugiishi: Okay terrific. Mr. Secretary, you have that recorded?
- 8 13:00:51 Secretary Nago: Yes I do.
- 9 13:00:54 Commissioner Mugiishi: Fantastic. Okay, let's see. Well, I think we did a pretty
- 10 efficient meeting members, thanks I think we covered a lot of important ground and we're off to
- 11 a good start, even though our data might be late, but we have a plan for that. Excited to work
- 12 with all of you. It was great to meet you, public. Thanks for joining us and for being interested
- 13 in this very important process. I think you have my commitment and the commitment of the
- 14 commissioners to be as transparent as appropriate and getting through this so everyone has great
- 15 confidence in the process that we have and therefore the work product at the end. So with that,
- 16 mahalo, and if there's no further business that the commissioners would like to raise I would
- 17 entertain a motion to adjourn.

December 22, 2021, Reapportionment Committee meeting

Video recording available at <https://www.youtube.com/watch?v=9ApGyxKAu04>

1 16:12:09 Commissioner Mugiishi: Can I make one comment Commissioner Kennedy about the
2 House District 51 - so one of the comments that Commissioner Ono made at the beginning was
3 that this map creates some synergy between the Senate map and the House map, and I guess
4 what I'm trying to understand is why people would have checked to having a senator and a
5 representative unified and representing their district, because the legislative process in order for
6 anything to happen you need both houses, both chambers of the legislature to agree. And so if
7 you have a district that has synergy between the representative getting elected by the same
8 constituency as the senator, you have a much better chance of effecting meaningful change for
9 your community. And so I guess I'm trying to understand why people would object to aligning
10 their Senate map and their House map. I would think that would be a wonderful thing to do.

11 16:13:07 Commissioner Kennedy: Yeah, and I actually have information on that because again,
12 at our meetings, they basically shared that the Senate map that was done was not a good
13 representation, that nobody is agreeing with that Senate map. So following it again is a
14 problem. So they don't agree with the Senate being split like that either, it just hasn't been
15 voiced.

16 16:14:33 Commissioner Mugiishi: It's been like that as long as we've been doing
17 reapportionment. It's not just one iteration - 20 years ago it was like that - that's just the way it's
18 always been.

19 16:14:38 Commissioner Kennedy: They shared that it was done - it was a horrible mistake - and
20 why continue the horrible mistake. Again, I'm just sharing...

21 16:14:44 Commissioner Mugiishi: Well again, and changing the Senate map would be
22 massively disruptive, right? Because as you know there are much fewer senators, so if you're
23 going to start to change the Senate map, the whole island of O'ahu will explode.

24 16:14:55 Commissioner Kennedy: I'm not encouraging any changes.

25 16:14:58 Commissioner Mugiishi: I'm just saying when you put all of that together, I just think
26 that there are a lot of considerations. You ask for the thinking, the rationale, and I think you're
27 getting that. And even as commissioners, we're not necessarily all going to agree at the end of
28 the day. That's why we're going to ultimately have discussions, and then we're going to vote, but
29 the point of the matter is - I think that you're getting a reflection that it wasn't arbitrary the way
30 they made these decisions, there was some consideration and thought of public testimony, about

December 22, 2021, Reapportionment Committee meeting

Video recording available at <https://www.youtube.com/watch?v=9ApGyxKAu04>

- 1 what might be best for the community, what might be best for the state, all those kinds of things.
- 2 And I know I see Commissioner Nishimura as a stand-up site, I don't want to monopolize the
- 3 conversation, so Randall, you had something.

January 13, 2022, Reapportionment Committee meeting

Video recording available at <https://www.youtube.com/watch?v=p6JUITHMrfU>

1 13:31:27 Commissioner Nonaka: One more thing I wanted to just address and bring up for
2 consideration. There was some comment made about the Congressional districts, not splitting
3 house and senate districts, and house districts being inside of senate districts. And just from a
4 practicality standpoint, the congressional districts are based on a dramatically different
5 population base than the house and senate districts, right? So it's not possible, let alone
6 practicable, to have the congressional districts wholly contain house and senate districts just
7 because there's such an imbalance of population, right? Most of the population was extracted
8 from CD1 and so you're going to have a big imbalance and it's just not going to match up to stay
9 inside of the deviations. And the same is true of the house and the senate. We have an unequal
10 amount of house and senate districts on O'ahu and so it's something that that would be difficult
11 and you'd have to do it for some. It definitely wouldn't be possible for all. So if you start from
12 that and make that a guiding principle, it's going to be hard to follow. So that's something that you
13 know we're definitely aware of and we heard in the public comment process but was discussed
14 and that's kind of conclusion we came to. It is not necessarily practical to make that happen.

15
16 [Later in the meeting]

17 14:46:55 Commissioner Kennedy: If I can get one of the commissioners from the technical
18 committee to help us understand it, we'll stop moving forward a lot of testimony on that
19 situation. So basically I'm just trying to make sure that the Commission—I wrote it down to
20 make it easier—that we can address the senate districts crossing six house districts and vice
21 versa, like with house 28 and 34. They're crossing four senate districts, right? So I feel like it
22 would go a long way—Dyl or one of you guys—if you could just share that you actually did take
23 that into consideration or if you didn't, why? Or how you guys put that together, just so everyone
24 knows that you're looking at both sides of the law and trying to do this; you know to the best of
25 your ability. But can you share your thoughts on how senate crossing house and house crossing
26 senate was taken a look at?

27 14:47:47 Commissioner Nekota: I'd like to answer that Robin. Senator Kidani happens to be my
28 senator. She now, in this right now, as we said, has five representatives in her senate district.
29 They have worked very well together, done a whole lot of things for the community. And I just
30 think having people working together like that is more important than just taking away numbers.

January 13, 2022, Reapportionment Committee meeting

Video recording available at <https://www.youtube.com/watch?v=p6JUITHMrfU>

1 I mean she will tell you quite honestly that it's worked very well for her. Got to know districts
2 that maybe you would not know if you only had two. And I'm going to go back to what Clare
3 [Tamamoto] said. We're one island, we all have one focus and it's to make life better. And she's
4 brought up Red Hill and that is a huge, huge factor right now. Not only is it impacting Red Hill,
5 but it's impacting all of our water and I think people are forgetting that that it's not just about one
6 little community, but it is about the island.

7 14:47:53 Commissioner Nonaka: Let's also take into account that interpretation of the
8 Constitution is everybody's opinion. And we can do all of the things that people say that or are
9 commenting that are not constitutional. And then I can find six more reasons why once we make
10 that change, it's not constitutional too. So again this goes back to not everybody's going to be
11 happy. Clearly, after we address many things there's still many unhappy people, but I'm looking
12 over the public submissions and I have been since they came in and you know I can point out
13 just as many flaws and inconsistencies with the constitutional and statutory guidelines as
14 anybody else can. I'm not going to individually criticize people's submissions, but the reality is
15 that there are communities on those maps that you know unite Hau'ula with Waikēle in central
16 O'ahu and I mean you do stuff like that, those communities would complain just as heavily as
17 the ones that we're hearing from in the last couple of months. So I just think there's no way to
18 satisfy everybody's constitutional guideline or everybody's interpretation of a constitutional
19 guideline. And that's why there's "where practicable" language in the statute and we always got
20 to make the best decision possible to meet those guidelines. And you know try and do the best
21 job we can.

22 14:50:18 Commissioner Kennedy: I guess the bottom line is you guys did take that into
23 consideration, it just wasn't practicable.

24 14:50:26 Commissioner Nonaka: Yeah, you have to do it, you have to do a lot of arbitrary
25 splitting. I mean there's areas in these maps, where Waikēle for example, in central O'ahu is split
26 into three different house districts. So again it just depends on where you're looking. If you focus
27 in on one area you can find things to criticize, you can find something in the constitution that it
28 violates. But if you're trying to do where practicable, all the way around deal with deviations,
29 deal with keeping communities together. There's a lot of communities who like the district that
30 they have and don't want to see it change very much and that's something that we have to take

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Video recording available at <https://www.youtube.com/watch?v=p6JUITHMrfU>

1 into consideration too. If we just arbitrarily stick districts within other districts, it's going to
2 greatly change the historic districts that have existed for decades and so that's another
3 consideration that's got to be taken into account. We don't just arbitrarily draw lines to fit
4 population bases and constitutional requirements that you know, our interpretation of a
5 constitutional requirement, we got to take a lot of other things into account. And I fully respect
6 everybody's opinion that our job wasn't perfect, but I don't think anybody's would be in
7 everybody's eyes.

8 14:51:35 Commissioner Kennedy: That's awesome, okay, thank you.

9 14:51:38 Commissioner Mugiishi: I think, you know, Commissioner Nakota, Commissioner
10 Kennedy, Commissioner Nonaka, thanks for that discussion. Because I think what it articulates
11 well is that we are as a Commission considering all of those statutory requirements and
12 constitutional requirements that that is asked of us and we are doing our best to make sure to the
13 extent that it's practicable that we are following them. But sometimes they're in conflict with
14 each other and that's where that's why we have a commission rather than a computer program
15 drawing these lines. It's because human beings who are going to care about people and
16 individual neighborhoods, are going to make judgment calls on what's the best way to make a
17 practical decision about a conflict between two principles. And that's why I think again, and I've
18 said it about four times already, but I really do appreciate the work of the technical committee
19 because they've been doing this now for weeks, months, and for the last few days every single
20 hour of the day to try and consider all of those factors. Because we're going to affect people and
21 that's so we're going to follow the constitution, we're going to follow the law and we're going to
22 do our best to take care of people. So thank you again. Commissioner Chun, you have your hand.

23 14:53:03 Commissioner Chun: Thank you, Mr. Chair. As you know I was not on the technical
24 committee and I know the maps we're discussing have to do with the Big Island and O'ahu. But
25 I just like to comment on this topic. I'd just like to comment on a generalization, an assumption
26 concerning Maui that was raised in testimony that I would like to clarify and it kind of speaks to
27 this discussion. So here on Maui, as an example, shifts in population and differing rates of
28 growth in population between Central Maui and West Maui have necessitated the movement of a
29 house district lines across large expanses of unpopulated lands essentially connecting Wailuku
30 with Lahaina. And that said, the public in central Maui, which of course is our population center,

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Video recording available at <https://www.youtube.com/watch?v=p6JUITHMrfU>

1 has expressed an interest in at least at minimum having representation by a central Maui house
2 member or a central Maui senator. So in order to meet this goal on Maui, it became infeasible to
3 neatly and nicely align two house districts with one senate district as has been the case in the past
4 and still meet the mandate of balancing populations between districts. So I would just submit on
5 that it's not practicable or even preferable necessarily to be hamstrung with the idea of you know
6 aligning two house districts and one senate district in every instance throughout the state of
7 Hawai'i.

8 14:54:27 Commissioner Mugiishi: Thanks Commissioner Chun. Commissioner Nishimura, you
9 have your hand up.

10 14:54:32 Commissioner Nishimura: Thank you mister chair, you know, kind of echoing or
11 adding onto Commissioner Chun's statement. So, I think one of the things that has become more
12 and more evident over the past few weeks is, you know, the extent to which the technical group
13 has listened and incorporated all of the comments into their current maps. And you know, I
14 really take my hat off to them and I'm even more appreciative that they've been able to turn
15 around these maps in such a short time. And I'd also like to, you know, acknowledge, you
16 know, the maps that the public has put out in equally short time, and you know, as Dylan has
17 said that, you know, at the end of the day, we all have our opinions and at the same time, you
18 know, be able to respect the opinions of others and work toward the betterment of the
19 community. And also like to acknowledge and complement our chair for being such a good
20 leader for all of us. I think you've done an excellent job dealing with not just the commission
21 and the public, but legislators and others as well, and just wanted to, you know, put those points
22 in. Thank you Mr. Chair.

January 20, 2022, Reapportionment Committee meeting

Video recording available at <https://www.youtube.com/watch?v=Zj9I6McPgJc>

1 14:45:35 Commissioner Mugiishi: Back now to agenda item four. As I was saying at our last
2 meeting, and you also heard some comments about that today, there were some questions
3 regarding the constitutional guidelines that govern legislative redistricting. And so I wanted to
4 take a little bit of time to reiterate what those guidelines are, and summarize what I interpret what
5 I heard at our last meeting that was discussed by the commission regarding article 4 section 6 of
6 the state constitution. So there are eight guidelines and what the constitution says is in affecting
7 such redistricting, the commission shall be guided by the following criteria: Number one: no
8 district shall extend beyond the boundaries of any basic island unit. Number two: no district shall
9 be so drawn as to unduly favor a person or political faction. Number three: except in the case of
10 districts encompassing more than one island, districts shall be contiguous. Number four: insofar
11 as practicable, districts shall be compact. Number five: where possible, district lines shall follow
12 permanent and easily recognized features such as streets, streams, and clear geographical
13 features and when practicable shall coincide with census tract boundaries. Number six: where
14 practical, representative districts shall be wholly contained within senatorial districts. Number
15 seven: no more than four members shall be elected from any district. And number eight: where
16 practicable, submergence of an area in a larger district wherein substantially different
17 socioeconomic interests predominate shall be avoided. So commissioners, at our last meeting,
18 including those from the technical committee spoke to the constitutional guidelines. In my, to
19 what I heard, there were two important points made which I would like to reiterate here. I tried to
20 summarize it then, but I want to reiterate it again here today. The first is that there has been
21 consideration by the technical committee of all the constitutional guidelines. The commissioners
22 verbalized at that meeting that they did not pick and choose among their criteria. They
23 considered them all. Consideration is required and due consideration is being given. The second
24 is that after due consideration the members of the technical committee believed that the modified
25 proposed plans represent what they the technical committee deemed to be the best,
26 best complies with the constitutional guidelines. The point is that the need to balance the eight
27 requirements of the constitution is why many of the guidelines are modified by the phrases
28 where possible and where practicable. That is what I heard the commissioners speak to at our
29 last meeting. Now, following the public's input with

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Video recording available at <https://www.youtube.com/watch?v=Zj9I6McPgJc>

1 testimony over the next few days, the technical committee is planning to meet again to
2 consider whether there will be any changes to the proposed maps, and final proposed maps are
3 planned to be presented at the January 26th meeting. These guidelines will continue to be
4 followed throughout that process as well. So now what I would like to do is invite the
5 commissioners, or any commissioner and the members of the technical committee especially,
6 to confirm if I've accurately summarized what was represented at the last meeting and what's
7 being done in our process to date. Yes, Commissioner Ono.

8 14:49:00 Commissioner Ono: Chair Mugiishi, yes, that accurately summarizes where we're at,
9 and additionally, today as well as the two subsequent commission meetings where we'll be in,
10 you know, receiving public input, all of that um written as well as oral testimony will be duly
11 considered as we re-look at the maps before, you know, our final vote is taken.

12 14:49:31 Commissioner Mugiishi: Thank you Commissioner Ono. Any other commissioners
13 want to make a comment?

14 14:49:42 Commissioner Nonaka: I would agree with Commissioner Ono and just add, like
15 I've said before right, I respect everybody's opinion, but there's many different opinions about
16 what the constitution constitutional criteria are and what they mean and, you know, that's
17 something that, sometimes we got to respect other people's opinions and agree to disagree. But
18 there is no way that we are going to satisfy everyone's opinion on the eight criteria, you know,
19 to their full extent because there's different things that are going to be taken into account and,
20 you know, the end of the day, I mean I know everybody's doing their best and the input has
21 been definitely duly noted and you know reflected in the past the ability to make changes
22 based on that, and you know, we'll take that into account going forward also.

23 14:50:29 Commissioner Mugiishi: Yep, thank you Commissioner Nonaka. I think I always use
24 the expression, it's a Latin expression, *res ipsa loquitur*, but it means the facts speak for
25 themselves. And I think, you know, the fact that the technical committee took a lot of public
26 input in our earlier public hearings and made substantial changes to the maps based on that
27 testimony indicates that you're listening to public testimony, and I appreciate that very very
28 much, so thank you. Any other commissioners with any comments?

29 14:50:57 Commissioner Nakota: I'm going to agree with Commissioner Ono and Nonaka. we
30 really did take public testimony to heart. We did not just go draw lines to draw lines. We really

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Video recording available at <https://www.youtube.com/watch?v=Zj9I6McPgJc>

1 did and follow the constitution as we perceive it to be along with our legal counsel. And I, you
2 know, it's like Commissioner Nonaka said, you know, we're not going to make everybody happy
3 and it's just the way it is. And unfortunately that's, that's probably life. But, we will take a look at
4 our, our lines again and hopefully we can make some adjustments if needed. If not, you know,
5 we'll go look at it again.

6 14:51:38 Commissioner Mugiishi: Thank you Commissioner Nakota. Anyone else? Okay,
7 mahalo, we'll now move on to the next agenda item, agenda item five, reports by the
8 apportionment advisory councils. So we have invited each advisory council, Hawai'i, Maui,
9 Kaua'i, and O'ahu, to provide feedback on matters affecting redistricting for each basic island
10 unit. We have planned to allow each advisory council to present at our commission meetings.
11 Would any advisory council like to present?

12 14:52:10 Guest Chair Steven Pavao [Hawai'i Island]: Good afternoon chair and
13 commissioners. I just wanted to report that we did have a meeting on Tuesday night the 18th
14 of January and that the majority testimony and testifiers were in favor of the Boyea plan for
15 the Hawai'i island. The commission had a lot of discussion about it. We did not vote to
16 endorse any specific plan, but the commission did note that the plan does well meet the
17 criteria. It does well in keeping communities intact. It does a good job of keeping two house
18 districts in each senate district. The advisory commission noted all of that and thought that the
19 plan, all in all, was a good plan and that it did meet the criteria. I realize that the criteria and
20 constitution are guidelines. But where practical, what that plan presents to me is that it is
21 practicable to meet most of the criteria. Given the reality of that plan, the commission noted
22 the effort of the community that put the time and energy to create the plan. And again, as I
23 said, we didn't endorse any specific plan, but we did acknowledge that the plan meets the
24 majority of the criteria and does a good job in redistricting the eight house districts for the Big
25 Island. Thank you.

January 26, 2022, Reapportionment Committee meeting

Video recording available at https://www.youtube.com/watch?v=VYggM_0zOQc

1 14:03:45 Commissioner Kennedy: Okay, so I'm so sorry you guys believe it or not I got COVID,
2 thought I was invincible but apparently not, so forgive my lack of being able to communicate.
3 Dyl, I was just wondering is there any way, because obviously you guys have done a great job of
4 handling the Makapu'u Point thing, Kailua, Waimanalo, Hawai'i Kai, you guys listened and we
5 appreciate that. Is there any opportunity for any of the technical committee to please just try to
6 communicate the whole Senate and House practicability, because I think that's obviously now
7 we've moved on to that, you know, the majority of speakers are talking about. Is there anything
8 you guys can help them understand so it can be less adversarial as far as why we couldn't follow
9 those constitutional criteria, or that criteria? Is there anything you guys can help them understand
10 with that?

11 14:04:35 Commissioner Nonaka: That essentially would be a redraw of the whole map and we'd
12 have to, and we'd have to start over, and we would have a whole separate set of issues to deal
13 with in terms of opposition to certain parts of it and details that people would have different
14 opinions on. So I mean I get it, I totally understand the desire to do it. It's never been done in the
15 past, and it's, you know, it's never had a crushing effect on elections or communities, so yeah, I
16 think it's the more of an issue of timing and do we want to go down that road and redraw the
17 whole map and start over again and, you know, potentially raise other issues, a whole set of
18 separate issues that could come up.

19 14:05:18 Commissioner Kennedy: So when you take a look at Bill Hicks's or Mr. Boyea's,
20 neither of those, because they've already done it, that doesn't help you guys? You'd really have
21 to start over?

22 14:05:29 Commissioner Nonaka: We haven't had any public input on those maps, you know, I
23 mean, the public hasn't looked at those and said, hey this is something I like or I don't like. I
24 mean, there's people advocating for it, but they haven't examined in a close way just to criticize
25 whether or not they, you know, it works and again, there's a whole separate set of issues when
26 the Senate map's not perfect, the House maps is not perfect, and maybe some place in between
27 works, right, a solution that bridges the gap in between the two, in between both of them. So, it
28 was looked at, it's just, I mean, I think, do we really want to start over and pose a whole different
29 map right now and not give the public time to comment on it.

January 26, 2022, Reapportionment Committee meeting

Video recording available at https://www.youtube.com/watch?v=VYggM_0zOQc

1 14:06:15 Commissioner Mugiishi: And then Commissioner Kennedy, I just wanted to clarify
2 one point of your question. You were absent last week when we had this discussion so I just
3 wanted to clear for the record that we did talk with the technical committee about whether or not
4 they were truly, like, not following any one of those constitutional requirements, and they did
5 assert that they are following them all, it's just that they have, you know, they're eight of them,
6 and then they have a varying degree of the practicability is how do they interplay with each
7 other, but they did not disregard any one of the eight.

8 [Later in the meeting]

9 14:54:47 Commissioner Ono: Chair, I just wanted to say to the public that I really appreciated
10 everybody who came forward. I feel like I know some people quite well already, you know,
11 having heard them multiple times, and please know that you were all listened to. We heard you,
12 and we also have read the written testimony. So, I do appreciate that because I know how time-
13 consuming these commission meetings are, and to take that chunk of time and effort and energy
14 out of your life, you know, for something you care so deeply about, is recognized and, you know,
15 doing your civic duty over, above and beyond I think. But I did want to say as a commission, as
16 the technical committee, I believe that we have taken all of eight constitutional criteria to heart.
17 We have taken everything into consideration and tried to balance all of them. So while they may
18 not appear to neatly fall, you know, two House districts into one Senatorial district, a lot of this
19 has to do with balancing and, you know, looking at neighborhoods and communities as they
20 function, and I feel that the maps are the best we could do under the circumstances.

January 28, 2022, Reapportionment Committee meeting

Video recording available at <https://www.youtube.com/watch?v=DV1rylrkv2I>

1 14:01:10 Commissioner Mugiishi: Is there a motion to adopt the proposed final legislative and
2 congressional reapportionment and redistricting plans recommended by the technical committee
3 permitted an interaction group on January 26th 2022?
4 14:01:23 Commissioner Nakota: Sure I'll make the thing to do.
5 14:01:32 Commissioner Mugiishi: Is there a second?
6 14:01:34 Commissioner Ono: I second the motion
7 14:01:37 Commissioner Mugiishi: Okay we have a motion by Commissioner Nakota and a
8 second by Commissioner Ono. Any further discussion?
9 14:01:44 Commissioner Kennedy: I guess I have a question. So we're voting on the entirety of
10 the proposed maps, where we won't be separating House by island, Senate, it's just all or
11 nothing? Is that what I'm understanding?
12 14:02:00 Commissioner Mugiishi: That's what the motion is for, it's for the presentation that was
13 just made on the technical committee's maps.
14 14:02:07 Commissioner Kennedy: Okay.
15 14:02:09 Commissioner Mugiishi: Any other discussion?
16 14:02:14 Commissioner Chipchase: Chair, this is Commissioner Chipchase. I'll speak briefly to
17 the motion. I do support the motion and I support that the maps, the maps as revised that have
18 come to us from the technical committee and that have been reviewed most recently in our
19 meetings, they follow a long iteration of taking into account the best available data that we've
20 received, and that has changed and it's changed the way that we approach the mapping, and the
21 maps that we produced and have been responsive to community concerns and questions where
22 practicable. And if you look back to where we begin, Chair, where we began, the maps have
23 changed quite a bit from where we started this journey, and I believe that those iterations have
24 been appropriate and have been responsive as I say to the data and to the comments that we've
25 received. Having looked at the maps and having considered the community's comments over
26 these many weeks, I am satisfied that the technical committee and that this commission has
27 considered all of the constitutional criteria as practicable rather than favoring any one or ignoring
28 any condition. And so I do support the maps and I do support the work that this commission has
29 done. Thank you.

January 28, 2022, Reapportionment Committee meeting

Video recording available at <https://www.youtube.com/watch?v=DV1rylrkv2I>

1 14:03:21 Commissioner Mugiishi: Mahalo Commissioner Chipchase. Anything else from the
2 other commissioners?

3 14:03:32 Commissioner Ono: Commissioner Chun has his hand up

4 14:03:34 Commissioner Mugiishi: Oh I'm sorry, Commissioner Chun?

5 14:03:36 Commissioner Chun: Can you hear me? Before we vote I'd just like to say that I have
6 nothing but appreciation and admiration for my fellow commissioners and the work that's been
7 conducted with such diligence and regard for our communities all across the state. Particularly
8 for those of you who have served on the technical committee, it's been amazing to observe the
9 extent of the consideration and thought you have all put into producing the maps that are before
10 the commission. And your leadership through this process Mr. Chair has been inspirational. You
11 know, as someone who spends my whole life in meetings, I really have great appreciation for
12 your leadership and your skills. This process has been educational for me in terms of the
13 reapportionment: first, in arriving at an understanding that our constitution provides for standards
14 and criteria pertaining to extraction that are not necessarily in sync with data that is maintained
15 by either the military or the U.S. Census Bureau, secondly, arriving at an understanding as well
16 as to the guidelines that are set forth in the constitution pertaining to redistricting. The
17 constitution states that in effecting such redistricting, the commission shall be guided by the
18 following criteria. It sets forth guidance rather than inflexible standards so as to ensure
19 reasonableness and fairness are always a part of the equation in arriving at redistricting
20 determinations. I have observed complete objectivity and clear commitment to ensuring that
21 good decisions were made in the context of these guidelines and as they were applied to the
22 redistricting maps, so I will be pleased today to support the motion.

23 14:05:32 Commissioner Mugiishi: Thank you Commissioner Chun. Any other commissioners?

24 14:05:40 Commissioner Kennedy: I'm so sorry to do this but I'm, I also appreciate everything
25 that everybody has done, and I am sorry that I am not a politician and I have no relationship to
26 have come to this table with all of this understanding, so I have been doing my due diligence to
27 try to understand. So at this point, I don't understand why we are doing it in its entirety. Is there a
28 way to amend the motion and go island by island, or is this just the way that it's done? I'm so
29 sorry, I tried to ask prior to this meeting. I mean, I am in support of some, but I am against others
30 so I feel like, again the community voice has been heard over and over, we've all heard it, and I

January 28, 2022, Reapportionment Committee meeting

Video recording available at <https://www.youtube.com/watch?v=DV1rylrkv2I>

1 appreciate what everybody's done and I've looked at all of it, but do we have options? And
2 maybe that's for Lori. Can we amend the motion? Can we make a motion to accept Boyea and
3 Hicks maps? Again, I'm so sorry to throw all this out but, I understand it was an impossible
4 situation, but there are so many community voices not supporting it so, I guess that's a lot of
5 questions all at once. One, can we separate the islands or can we not? And then two, I mean this
6 is it right, I mean, I feel like the community still doesn't have the answers that they need, so what
7 are our options at this moment?

8 14:07:02 Commissioner Mugiishi: Yeah since our elections are statewide, we don't have
9 elections at separate dates island by island, I don't believe we can separate the approval process
10 on an island by island basis. It wouldn't make sense to have an election on Kaua'i but not on
11 O'ahu or whatever, because you know we're still drawing maps. And just a little bit of a
12 recollection of the timelines that we do have, I know timelines shouldn't be anything but if we're
13 satisfied in our own minds that the technical interaction group followed the constitution, which I
14 can just speak for myself and say I am satisfied that they did, then we are blocked by a timeline
15 that says on March 1st candidates have to file. And before they can file, all of the voters have to
16 be placed in the appropriate district, which Office of Elections has told us in the past has taken at
17 least a month. That's today. By June 29th, all ballots have to be mailed to overseas voters. So you
18 know, not only do we have to have people, you know, running for office, we have to actually get
19 ballots out to people, and then we have a primary election on August 13th. And then, and then
20 the general election in November. So you know, I guess you know, I know my words were
21 paraphrased today about the forest from the trees, I do believe the principle of the democratic
22 process is a fair and well-run election, and that's what as Chair, I've been trying to make sure that
23 we get to and that we never forget that that's what we're trying to do. And I think in order for us
24 to ensure that we're not responsible for not having a fair and well-run election, we have to either
25 approve or not approve this entire package as-is today. Otherwise you know, because the election
26 has to happen all together. I hope that answers your question.

27 14:09:05 Commissioner Kennedy: It does. I appreciate that, thank you. So are we voting as we
28 are discussing, are you going to take a vote?

January 28, 2022, Reapportionment Committee meeting

Video recording available at <https://www.youtube.com/watch?v=DV1rylrkv2I>

1 14:09:11 Commissioner Mugiishi: No, we're definitely going to take a vote but we're still having
2 a discussion on the current motion which is to accept the proposal. Commissioner Nishimura, I
3 see you have your hand up as well.

4 14:09:23 Commissioner Nishimura: Thank you Mr. Chair. I would like to echo the comments
5 made by Commissioners Chun and Chipchase. I think they have narrowed the considerations for
6 the motion and articulated them very well. In addition to that, you know, I would like to point
7 out to everyone that we on Kaua'i have been fortunate that we are probably one of the few that
8 meet all of the criteria of the constitution, whether it be a guideline or a dictate. That being said, I
9 do believe that, and I am convinced that the technical group has taken the information that has
10 been given to them and have given it due consideration to the extent that they are able to, and
11 have come up with maps that, at least for me, are acceptable. You know, there are several
12 arguments that could be made for and against all kind of lawsuits and all that. I think at the end
13 of the day, all of us in the commission, and in the public, would dearly love to avoid that. That
14 being said I do also know that there are disagreements as to the form of the plan. However, you
15 know, I would agree that the large majority of the people have not objected to the plans and
16 therefore, you know I feel fairly confident that, you know, we have done the best job we can
17 possibly do under the circumstances and given the information we have. Thank you Mr. Chair.

18 14:11:21 Commissioner Mugiishi: Thank you Commissioner Nishimura. Any other
19 commissioner? I know I just want to make kind of an overarching statement: Number one, it's
20 been an honor and a pleasure for me to serve as chair of this commission. This is brand new for
21 me as well, I run a health company, which is very different than something like this. But one
22 thing i will say.. we all live in the U.S. and we watch what's happening elsewhere where there's
23 all kinds of discord and divisiveness and, people are suing over the fundamental right to be
24 represented and I think, I just want to create a little bit of a distinction between what's happening
25 there and what's happening here. Like, a lot of places where that's happening, the majority party
26 of the state legislature is allowed to draw the new maps, and they without doubt are trying to
27 disadvantage the opposite party, and that is definitely causing problems with a representative,
28 representation of an entire group of people. That's not happening here in Hawaii. I think, you
29 know, we have eight commissioners, four of whom are Republican and four of whom are
30 Democrat, but you know what, all eight of whom I've had the privilege to get to know and find

January 28, 2022, Reapportionment Committee meeting

Video recording available at <https://www.youtube.com/watch?v=DV1rylrkv2I>

1 out that they all love Hawai‘i and they care about Hawai‘i they are here in Hawai‘i and they care
2 about the people of Hawai‘i. So as they are looking at what's happening, they are not here to
3 push a single agenda. They're here to make sure that we are paying attention to the constitution,
4 to the people, and then to having a fair and well-run election over the next 10 years. So I just
5 want to thank all the commissioners for giving me total faith in the people in Hawai‘i who
6 choose to serve on commissions like this. I appreciate everything, so thank you. And with that if
7 there is no further discussion, I'm going to call for a vote. So again, just to reiterate a motion was
8 made by Commissioner Nakota and seconded by Commissioner Ono. I'll read it again: the
9 motion is to adopt the proposed final legislative and congressional reapportionment and
10 redistricting plans recommended by the technical committee permitted interaction group on
11 January 26th 2022. Mr. Secretary can you please take the vote?
12 14:13:46 Secretary Nago: Commissioner Chipchase - aye, Commissioner Chun - aye,
13 Commissioner Kennedy - no, Commissioner Nakota - aye, Commissioner Nishimura - aye,
14 Commissioner Nonaka - aye, Commissioner Ono - aye, Commissioner Rathbun - aye, Chair
15 Mugiishi - aye. Chair, the motion carries eight to one.

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APPENDIX E

HICKS PLAN

HAWAII REAPPORTIONMENT COMMISSION 2021/22 - COMPARISON MAP
Comparison of Publicly Submitted Plan and Proposed Plan

Publicly Submitted Plan:
Oahu Senate - Bill Hicks
submitted January 16, 2022
overall (total) deviation = 3.73%
submitted districts are outlined black, deviation text black

Proposed Plan:
Oahu Senate - Hawaii Reapportionment Commission
to be presented as proposed January 13, 2022
overall (total) deviation = 4.93%
proposed districts are colored, outlined orange, deviation text orange

Notes from Bill Hicks:

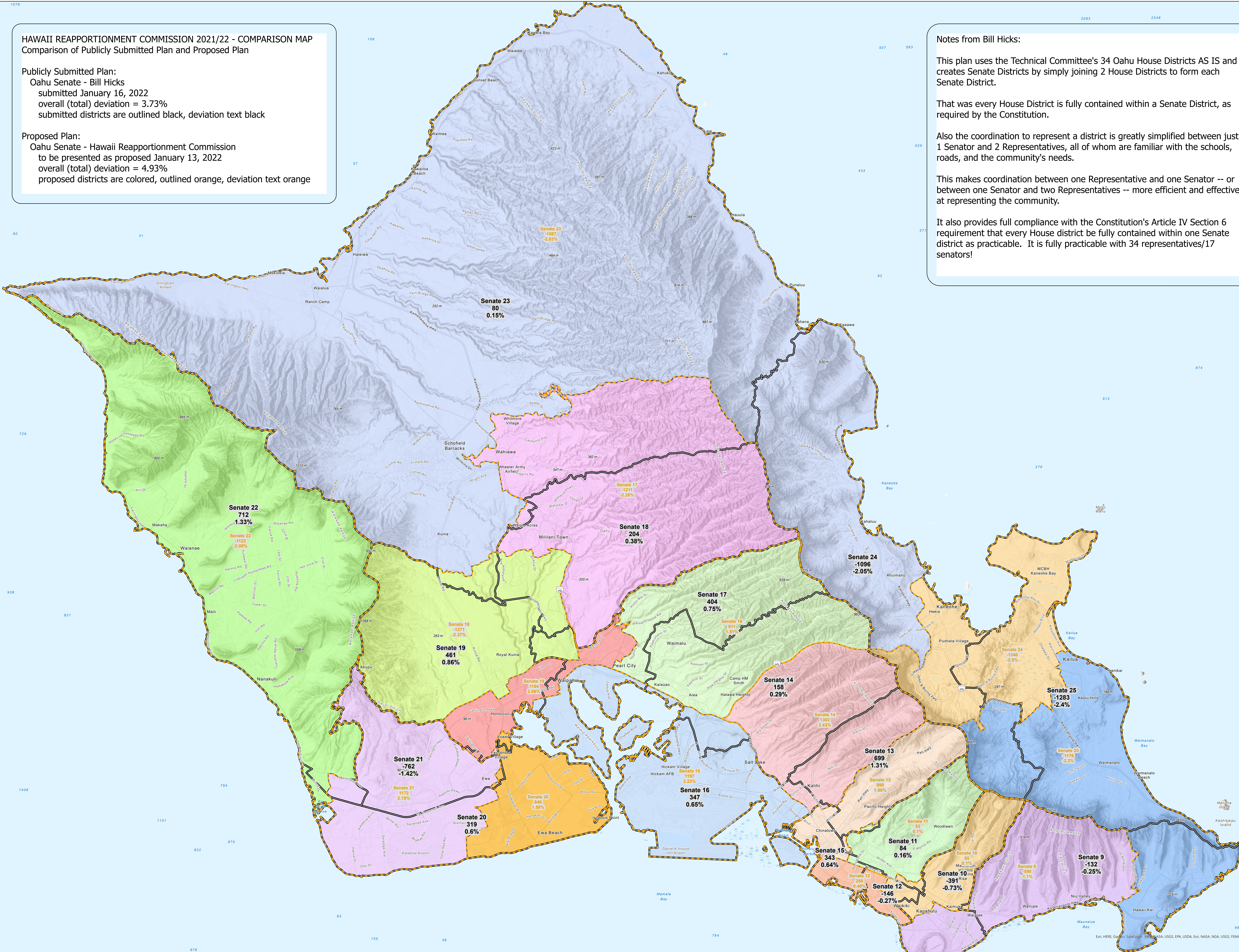
This plan uses the Technical Committee's 34 Oahu House Districts AS IS and creates Senate Districts by simply joining 2 House Districts to form each Senate District.

That was every House District is fully contained within a Senate District, as required by the Constitution.

Also the coordination to represent a district is greatly simplified between just 1 Senator and 2 Representatives, all of whom are familiar with the schools, roads, and the community's needs.

This makes coordination between one Representative and one Senator -- or between one Senator and two Representatives -- more efficient and effective at representing the community.

It also provides full compliance with the Constitution's Article IV Section 6 requirement that every House district be fully contained within one Senate district as practicable. It is fully practicable with 34 representatives/17 senators!



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APPENDIX F

BOYEA COMMUNITY PLAN

HAWAII REAPPORTIONMENT COMMISSION 2021/22 - COMPARISON MAP
Comparison of Publicly Submitted Plan and Proposed Plan

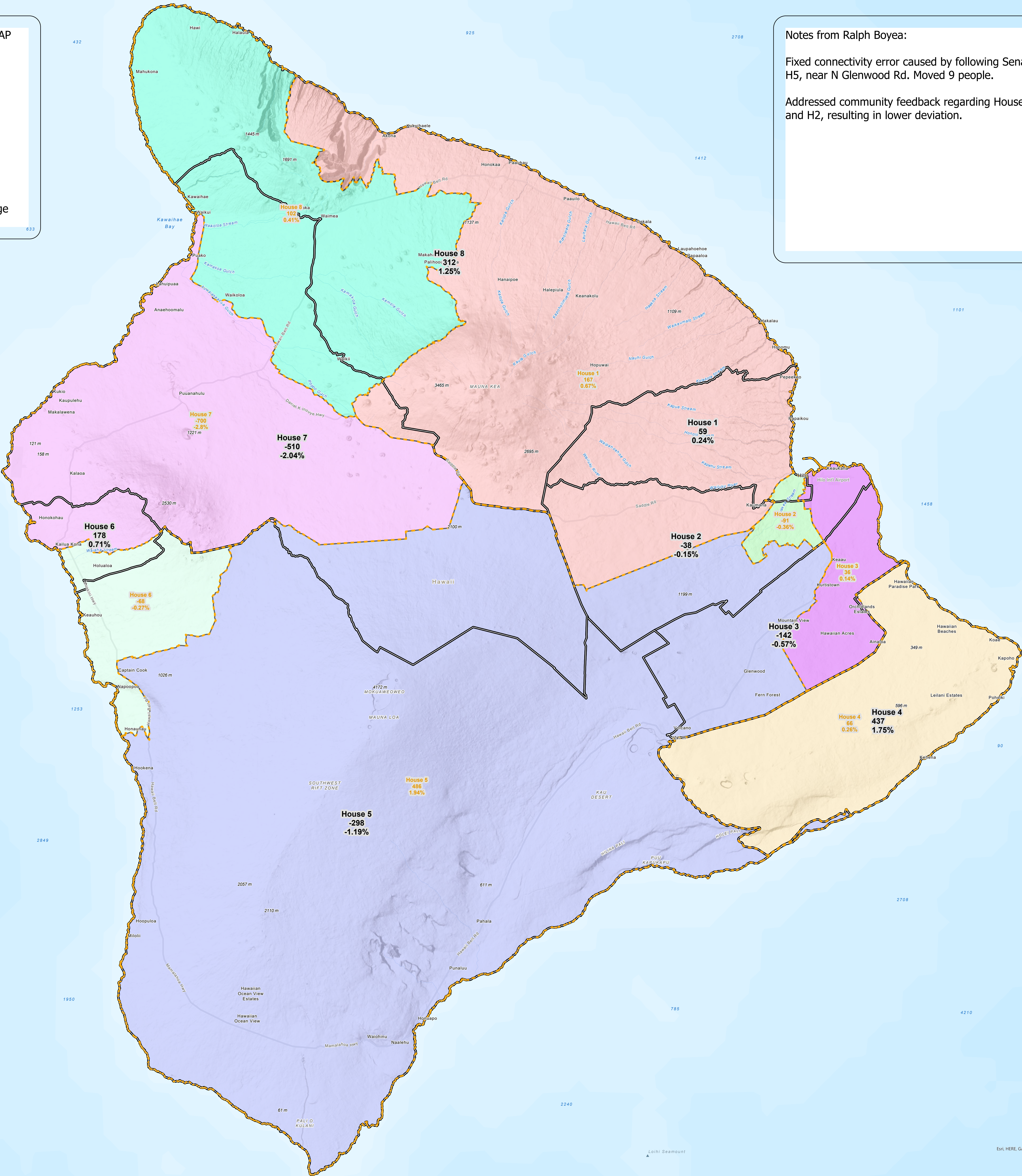
Publicly Submitted Plan:
Hawaii House - Ralph Boyea Community Plan v2
submitted January 19, 2022
overall (total) deviation = 3.79%
submitted districts are outlined black, deviation text black

Proposed Plan:
Hawaii House - Hawaii Reapportionment Commission
presented as proposed January 13, 2022
overall (total) deviation = 4.74%
proposed districts are colored, outlined orange, deviation text orange

Notes from Ralph Boyea:

Fixed connectivity error caused by following Senate lines between H3 and H5, near N Glenwood Rd. Moved 9 people.

Addressed community feedback regarding House district lines between H1 and H2, resulting in lower deviation.



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APPENDIX G

HICKS CONGRESSIONAL PLAN

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APPENDIX H

DRAFT RULES OF THE 2021 REAPPORTIONMENT
COMMISSION RECOMMENDED BY THE RULES
PERMITTED INTERACTION GROUP

**V. PRESENTATION OF THE
DRAFT RULES OF THE 2021
REAPPORTIONMENT
COMMISSION RECOMMENDED
BY THE RULES PERMITTED
INTERACTION GROUP**

RULES OF THE 20~~21~~ REAPPORTIONMENT COMMISSION

General Provisions

- Rule 1. Authority and Purpose
- Rule 2. Definitions
- Rule 3. General Information About Commission

Public Records

- Rule 4. Public Records and Information
- Rule 5. Cost of Copies of Public Records

Commission Meetings

- Rule 6. Meetings
- Rule 7. Notice of Meetings
- Rule 8. Emergency Meetings
- Rule 9. Executive Meetings and Sessions
- Rule 10. ~~Exceptions~~Reserved
- Rule 11. Public Comment
- Rule 12. Record of Commission Meetings

Public Hearings

- Rule 13. Notice of Public Hearings
- Rule 14. Hearing Procedures

Conduct of Commission Business

- Rule 15. Chairperson's Duties
- Rule 16. Vice Chairperson's Duties
- Rule 17. Secretary's Duties
- Rule 18. ~~Commission Committees~~Permitted Interaction Groups
- Rule 19. Commission Powers
- Rule 20. Rules of Order
- Rule 21. Commission Decisions

Apportionment Advisory Councils

- Rule 22. Advisory Capacity⁷
- Rule 23. Council Officers
- Rule 24. Council Meetings⁷
- Rule 25. Notice of Council Meetings⁷
- Rule 26. Council Records⁷
- Rule 27. Additional Council Rules⁷

Miscellaneous

- Rule 28. Conflicts and Savings Clause
- Rule 29. Adoption, Amendment² or Repeal of Rules
- Rule 30. Effective Date of Rules

GENERAL PROVISIONS

RULE 1. Authority and Purpose. These rules are adopted pursuant to Article IV, Section 2, Constitution of the State of Hawaii, and Chapter 25, Hawaii Revised Statutes. The purpose of these rules is to provide rules of practice and procedure for the ~~2011~~2021 Reapportionment Commission and the apportionment advisory councils established under Article IV, Section 2, Constitution of the State of Hawaii.

RULE 2. Definitions.

(a) As used in these rules, unless a different meaning clearly appears in the context:

“Chairperson” means the individual certified as “chairperson” under Article IV, Section 2, State Constitution or, in the absence of the Chairperson, the Vice Chairperson or the Chairperson’s designated representative.

“Commission” means the ~~2011~~2021 Reapportionment Commission established under Article IV, Section 2, State Constitution.

“Commission member” means an individual selected by an appointing authority under Article IV, Section 2, State Constitution, to serve on the Commission.

~~“Committee” means any or all committees of the Commission.~~

“Councils” mean the apportionment advisory councils for the four basic island units established by Article IV, Section 2, State Constitution.

“Council member” means an individual selected by an appointing authority under Article IV, Section 2, State Constitution, to serve on an apportionment advisory council for one of the four basic island units.

“HAR” means the Hawaii Administrative Rules.

“HRS” means the Hawaii Revised Statutes.

“Person or “persons” means individuals, partnerships, corporations, associations, or public or private organizations of any kind or nature whatsoever.

“Quorum” means a majority of the membership of the Commission, i.e., five members of the Commission.

“Record” means information maintained by the Commission or Councils in written, auditory, visual, electronic, or other physical form.

“Secretary” means the secretary to the Commission, who is the Chief Elections Officer of the State of Hawaii.

“State Constitution” means the Constitution of the State of Hawaii.

(b) Words importing the singular number may extend and be applied to several persons or things, and words importing the plural may include the singular. Words importing the masculine gender may be applied to the feminine gender and vice versa.

RULE 3. General Information About Commission.

(a) The office of the Commission shall be located at 802 Lehua Avenue, Pearl City, Hawaii 96782. All communications to the Commission ~~shall may be addressed, unless otherwise specifically directed, emailed to elections@hawaii.gov or mailed~~ to the:

2021 Reapportionment Commission
c/o Scott Nago, Secretary
802 Lehua Avenue
Pearl City, Hawaii 96782

(b) The office of the Commission shall be open from 7:45 a.m. to 4:30 p.m. weekdays, except state holidays and unless otherwise provided by statute or executive order.

PUBLIC RECORDS

RULE 4. Records and Information.

(a) Records of the Commission shall be available for public inspection and copying to the extent required under HRS Chapter 92F.

(b) Records of the Commission shall be available for public inspection at the Commission's office during regular business hours.

(c) The public may obtain information that is not privileged or confidential on matters within the jurisdiction of the Commission by submitting a written request to the Commission at the address set forth in Rule 3(a).

~~RULE~~ Rule 5. Cost of Copies of Public Records. Copies of these rules and other Commission records available for public inspection shall be furnished to any person requesting the same upon payment based on the following schedule:

- (1) Twenty-five cents per page for material photocopies using the office copier;
- (2) Actual cost for material that has to be sent to an outside ~~vender~~vendor for reproduction or photocopying;
- (3) The costs of searching for, reviewing, and segregating records as set forth in HAR ~~Sections §§~~ 2-71-19(a) and 2-71-31(a); and
- (4) The actual costs of mailing (U.S. mail only) if the person requesting copies of Commission records requests that they be mailed to an address.

COMMISSION MEETINGS

RULE 6. Meetings. Meetings of the Commission may be called by the Chairperson or a quorum of the Commission. ~~The Commission may meet by videoconference provided that the system used allows both audio and visual interaction among all Commission members~~

~~participating in the meeting and all persons attending the meeting. Except as provided in Rule 9, all Commission meetings shall be open to the public.~~

RULE 7. Notice of Meetings. Notice of any regular, special or rescheduled meetings of the Commission shall be posted ~~at least three days~~ in advance of the meetings on the State of Hawaii's website, the website for the Office of Elections, and in the Commission's office at 802 Lehua Avenue, Pearl City, Hawaii 96782, as provide by law. Notwithstanding the foregoing, no notice shall be required with respect to the reconvening of a Commission meeting that is recessed, provided that prior to recessing the meeting, the time, date, and location of the reconvening of the meeting is announced. All notices shall state the time, date, and location of the meeting, and shall include an agenda listing all the items to be considered at the meeting. ~~In the case of a videoconference meeting, the notice shall identify all locations at which Commission members will be physically present and shall state that the public may attend the meetings at such locations.~~ In the case of an executive meeting or session, the purpose of the executive meeting or session shall be stated in the agenda. A two-thirds vote of the Commission shall be required to change the agenda for any meeting after notice has been filed and posted, provided that no change shall be made to add a matter of reasonably major importance to the agenda.

RULE 8. Emergency Meetings. ~~Without giving notice in the time frame specified in Rule 7, the~~ The Commission may hold an emergency meetings to deliberate and decide whether and how to act in response to an unanticipated event in accordance with HRS §§ 92-4 and 92-5. ~~For purposes of this rule, an "unanticipated event" is: (a) an event which Commission members did not have sufficient advance knowledge of or reasonably could not have known about from information published in the media or generally available in the community; (b) a deadline~~

~~established by a legislative body, federal or state court, or other governmental agency beyond the control of the Commission; or (c) a consequence of an event for which reasonably informed and knowledgeable Commission members could not have taken all necessary action. In order to hold an emergency meeting, two-thirds of the Commission members must agree that an unanticipated event exists, the Commission must issue a written finding that an unanticipated event exists with supporting reasons, the Commission's legal counsel must concur with the Commission's findings, and the Commission's findings plus a notice and agenda for the emergency meeting must be posted on the State of Hawaii's website and in the Commission's office as soon as reasonably practicable. At the emergency meeting, the Commission shall limit its deliberations and decision-making to matters pertaining to its response to the unanticipated event.~~

RULE 9. Executive Meetings and Sessions. The Commission may hold an executive meeting or session closed to the public ~~in accordance with HRS § 92-4 and 92-5, upon an affirmative vote, taken at an open meeting, of two-thirds of the Commission members present; provided the affirmative vote constitutes a majority of the members to which the Commission is entitled. The reason for holding such a meeting or session shall be publicly announced and the vote of each Commission member on the question of holding a meeting or session closed to the public shall be recorded and entered into the minutes of the meeting.~~

RULE 10. Reserved.Exceptions. ~~"Meetings" as the term is used in Rules 6, 7, 11 and 12 shall not include any of the following:~~

- ~~(a) — Any communications or interaction between Commission members that does not concern official Commission business or matters;~~
- ~~(b) — Any communications or interaction between any two Commission members~~

~~concerning official Commission business or matters, provided that no commitment to vote is made or sought;~~

~~(c) — Any communications or interaction between or among four or less of the Commission's members concerning official Commission business or matters, provided that such occurs in connection with an investigation assigned to such members during a Commission meeting;~~

~~(d) — Any communications or interaction between or among four or less of the Commission's members concerning official Commission business or matters, provided that such occurs in connection with a presentation, discussion or negotiation with third parties that has been assigned to such members during a Commission meeting; and~~

~~(e) — Any communications or interaction between or among four or less of the Commission's members concerning the selection of the Commission's officers or between or among all Commission members the selection of administrative staff and contractor's services. With respect to any investigation under (c), the scope of the investigation and each member's authority shall be defined at a meeting of the Commission, all findings and recommendations resulting from the investigation shall be presented at a meeting of the Commission, and all deliberations and decision making on the matter investigated shall occur only at a duly noticed meeting of the Commission. With respect to any assignment under (d), the assignment shall be made and the scope of each member's authority shall be defined at a meeting of the Commission prior to the presentation, discussion or negotiation.~~

RULE 11. Public Comment.

(a) Any person is permitted to express his or her views to the Commission by

submitting a written statement, which may include or take the form of a proposed plan, to the Commission at the address set forth in Rule 3(a). The Commission may adopt standards and criteria for form and content that any proposed plan must meet in order to be considered by the Commission.

(b) At any meeting of the Commission, the Commission shall afford an opportunity for interested persons to present public testimony on any agenda item. Any person who wishes to appear before the Commission or a committee of the Commission ~~shall~~should: (1) make a request to the Commission's secretary at least 48 hours prior to the meeting in question; and (2) provide a written copy of the person's testimony to the Commission's secretary prior to the meeting in question. ~~The Commission may refuse to hear the testimony of any person failing to fulfill these requirements.~~ Requests to testify and written testimony shall be submitted to the Commission's secretary at the Commission's office specified in Rule 3(a).

(c) The Commission may rearrange the items on the agenda for the purpose of providing for the more efficient and convenient presentation of testimony.

(d) Persons presenting testimony shall, at the beginning of the testimony, identify themselves and the organization, if any, that they represent.

(e) The Commission may limit testimony to a specified time period but in no case shall the period be less than three minutes.

(f) The Commission may ~~ref~~use to hear any testimony which is irrelevant, immaterial, or unduly repetitious.

(g) Nothing in this rule shall prevent the Commission from soliciting oral remarks from persons present at the meeting or from inviting persons to make presentations to the Commission on any particular matter that relates to items on the Commission's agenda.

RULE 12. Record of Meetings.

(a) The Commission shall keep a written record of all Commission meetings. The written record shall be in the form of written minutes which shall include: (1) the date, time, and place of the meeting; (2) the members of the Commission recorded as present or absent at the meeting; (3) the substance of all matters proposed, discussed, or decided at the meeting; and (4) the record of the votes taken at the meeting, showing the votes of the individual Commission members. Notwithstanding the foregoing, nothing in these rules is meant to nor shall it be construed to require a written record of executive meetings or sessions or the public disclosure of any written record of executive meetings or sessions.

(b) Testimony given at any Commission meeting may be electronically recorded verbatim by the Commission at its discretion. It shall not be necessary to transcribe the electronic recording.

(c) All written statements provided to the Commission and all testimony at Commission meetings shall be part of the public records of the Commission.

PUBLIC HEARINGS

RULE 13. Notice of Public Hearings. Public notice shall be given of all public hearings conducted by the Commission or by the respective Councils as required by law. Notice of public hearings on the initial plans for legislative and congressional reapportionment shall be given in accordance with HRS Section §§ 1-28.5 and 25-2. ~~Notice of other hearings, if any, shall be published in a newspaper of general circulation in the basic island unit in which the hearing will be held and posted on the State of Hawaii's website, and the Office of Elections' website at least 20 calendar days prior to the date of the hearing.~~

RULE 14. Hearing Procedures.

(a) Hearings on the initial plans for legislative and congressional reapportionment shall be held in accordance with HRS ~~Section §~~ 25-2. Other hearings may be held as deemed necessary by the Commission.

(b) Each public hearing conducted by the Commission shall be presided over by the Chairperson, the Vice Chairperson, or a Commission member designated by the Chairperson. Each public hearing conducted by the respective Councils shall be presided over by a Council member designated by the Chairperson. The presiding officer shall have authority to take all actions necessary to ensure orderly conduct of the hearing.

(c) Each such hearing shall be held at the time and place set in the notice of hearing, but may be continued by the presiding officer from day to day or adjourned to a later date or to a different place without notice other than the announcement at the hearing.

(d) At the commencement of the hearing, the presiding officer shall read the notice of hearing and shall then outline briefly the procedure to be followed. Testimony shall then be received with respect to the matters specified in the notice of hearing in such order as the presiding officer shall prescribe.

(e) At each public hearing conducted by the Commission, the Commission shall afford an opportunity for interested persons to present public testimony with respect to the matters specified in the notice of hearing. Any person who wishes to appear before the Commission at the hearing ~~shall~~should: (1) make a request to the Commission's secretary at least 48 hours prior to the hearing in question; and (2) provide a written copy of the person's testimony to the Commission's secretary prior to the hearing in question. ~~The Commission may refuse to hear the testimony of any person failing to fulfill these requirements.~~ Requests to testify and written

testimony ~~shall~~may be submitted to the Commission's secretary at the Commission's office specified in Rule 3(a). Every person shall, before proceeding to testify, state his or her name, address, and what group or organization, if any, the person represents at the hearing. The presiding officer shall confine the testimony to the subject matter of the hearing and is empowered to confine the testimony so as to keep order. The presiding officer may limit testimony to a specified time period but in no case shall the period be less than three minutes. Persons testifying may be subject to questioning by any member of the Commission or the respective Councils. Questioning by private persons of persons testifying shall not be permitted unless the presiding officer expressly permits it.

(f) Notwithstanding anything to the contrary in these rules, all interested persons may submit data, views, or arguments or other testimony shall be submitted to the Commission or the respective Councils at the Commission's office or at the public hearing.

CONDUCT OF COMMISSION BUSINESS

RULE 15. Chairperson's Duties. The Chairperson shall preside at all meetings of the Commission. The Chairperson shall appoint all committees of the Commission and their chairs. The Chairperson shall designate a Commission member to preside over meetings in the Chairperson's absence.

RULE 16. Vice Chairperson's Duties. The Commission may elect two of its members to serve as Vice Chairpersons. The Vice Chairperson shall preside over meetings and have the authority of the Chairperson when the Chairperson is absent.

RULE 17. Secretary's Duties. The Secretary shall keep minutes of al meeting of the Commission, including ~~committee-permitted interaction group~~ meetings, prepare the agenda for these meetings, keep and maintain official records of the Commission and shall undertake any

duties and responsibilities properly assigned to the Secretary by the Commission through the Chairperson.

RULE 18. ~~Commission Committees~~ Permitted Interaction Groups. ~~Committees~~ Permitted interaction groups may be established as deemed necessary to carry out functions of the Commission. Tasks may be delegated to ~~committees~~ a permitted interaction group as deemed appropriate by the Commission. A majority of the members of a ~~committee~~ permitted interaction group shall constitute a quorum ~~of the committee~~, and the presence of a quorum of the ~~committee-permitted interaction group~~ shall be necessary to conduct ~~committee~~ business. ~~Except for meetings, communications and interactions covered by Rules 9 and 10, committee meetings shall be open to the public and subject to the requirements of Rules 7, 11, and 12.~~

RULE 19. Commission Powers. The Commission may require persons to appear personally and testify before it and/or to produce to it all books, records, files, papers, maps, and documents as shall appear necessary for the purpose of fulfilling the Commission's duties under Article IV of the State Constitution and HRS Chapter 25 including, but not limited to, formulating a reapportionment plan. The Chairperson of the Commission or any person acting on behalf of the Chairperson may administer oaths to persons summoned to appear before the Commission. Persons summoned to testify before the Commission shall be subject to the penalties set forth in HRS Section 25-4. Nothing in these rules is intended nor shall they be construed to waive or to limit any and all powers granted to the Commission under Article IV of the State Constitution, HRS Chapter 25 and/or any other applicable laws.

RULE 20. Rules of Order. Unless otherwise provided in these rules, the most recent edition of Robert's Rules of Order shall serve as a guide to the conduct of the Commission's meetings.

RULE 21. Commission Decisions. The Commission shall make decisions and take action only at meetings called and noticed according to these rules. A quorum of the Commission shall be required to conduct any business at a Commission meeting. Except as otherwise provided by Article IV, Section 2 of the State Constitution, HRS Chapter 25 or these rules, the concurrence of a majority of the Commission's membership shall be required to make any action of the Commission valid.

APPORTIONMENT ADVISORY COUNCILS

RULE 22. Advisory Capacity. Each Council shall serve in an advisory capacity to the Commission as to matters affecting that Council's basic island unit. The Commission from time to time may designate additional duties or functions to be performed by the Councils.

RULE 23. Council Officers. Each Council shall select its own chairperson and may elect such other officers as may be necessary to carry out its functions.

RULE 24. Council Meetings. Meetings of a Council may be called by the Council's chairperson, a quorum of its members, and/or by the Commission. A majority of the membership of each Council shall constitute a quorum of the Council. A majority vote of the members of each Council shall be necessary to approve any ~~ea~~action of that Council. Meetings of each Council shall be open to the public, provided that any Council may hold executive meetings or sessions closed to the public by an affirmative vote of two-thirds of its members.

RULE 25. Notice of Council Meetings. Notice of Council Meetings shall be filed at least six days in advance in the appropriate county clerk's office and at the Commission's office and posted on the State of Hawaii's website.

RULE 26. Council Records. Each Council shall keep written minutes of its meetings. The minutes shall contain the information provided for in Rule 12(a). Each Council shall provide the

Commission's office with a copy of all minutes as soon as they are approved together with any and all other documents and information provided to it. The minutes, documents, and information shall be available for public inspection at the Commission's office to the extent required under HRS Chapter 92F.

RULE 27. Additional Council Rules. Subject to these rules and the Commission's approval, each Council may promulgate rules of practice and procedure to govern its functions.

MISCELLANEOUS

RULE 28. Conflicts and Savings Clause. To the extent that any of these rules or any part thereof conflict with any of the provisions of ~~Article IV of~~ the State Constitution or HRS ~~Chapter 25~~, the provisions of ~~Article IV of~~ the State Constitution and HRS ~~Chapter 25~~ shall prevail. If any of these rules or any part thereof are held to be invalid, illegal or unenforceable, then to the maximum extent permitted by law, such invalidity, illegality, or unenforceability shall not affect the remaining rules or parts thereof, and the remaining rules or parts thereof shall remain in full force and effect.

RULE 29. Adoption, Amendment, or Repeal of Rules. Rules of the Commission shall be adopted by a vote of two-thirds of the members to which the Commission is entitled.

Amendments to, or repeal of, the rules shall be made by a vote of two-thirds of the members to which the Commission is entitled.

RULE 30. Effective Date of Rules. These rules are effective upon the date of their adoption by the Commission.

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APPENDIX I

SLIDE SHOWING INITIAL NON-PERMANENT
RESIDENTS EXTRACTION

Hawaii Population Base – Criteria



Hawaii Permanent Resident Population Base

C1: Were they Non-Permanent Residents?

C2: Were they counted as residents in the PL 94-171 counts?

NON-PERMANENT RESIDENTS (NPR) TO BE EXTRACTED FROM 2020 CENSUS DATA FOR HAWAII

Statewide and by Basic Island Unit (BIU)

NPR	State	BIU-Oahu	BIU-Hawaii	BIU-Maui	BIU-Kauai
NPR military	64,415	64,010	40	117	248
NPR students	7,250	6,589	499	109	53
NPR Total	71,665	70,599	539	226	301

1. Military sponsors and their dependents, if the following conditions hold:

- They declared a state other than Hawaii as their state of legal residence (Home State) (Nonpermanent).
- They were otherwise covered by the *Final 2020 Census Residence Criteria and Residence Situations* publication in the Federal Register (February 8, 2018) for inclusion in the U.S. Census Bureau count for Hawaii. 83 FR 5525.

2. Students, provided the following conditions are met:

- They pay out-of-state tuition or have a permanent address outside Hawaii (Nonpermanent).
- They were otherwise covered by the *Final 2020 Census Residence Criteria and Residence Situations* publication in the Federal Register (February 8, 2018) for inclusion in the U.S. Census Bureau count for Hawaii. 83 FR 5525.

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APPENDIX J

2011 NON-PERMANENT RESIDENTS EXTRACTION

Table 2-3
Detailed Extraction Statistics

	20120213 13:41			MILITARY			STUDENTS				
STEP		NOTE	TOTAL	Sponsor	Dependent	TOTAL	UH	HPU	Chaminade	BYU-H	TOTAL
0	Received		168,578	47,082.00	106,042.00	153,124.00	10,070.00	3,200.00	627.00	1,557.00	15,454.00
1	Census Date		168,578	47,082.00	106,042.00	153,124.00	10,070.00	3,200.00	627.00	1,557.00	15,454.00
2A1	Deployed (not counted by Census)		4,750	4,750.00	0.00	4,750.00	0.00	0.00	0.00	0.00	0.00
2A2	Dependent of permanent resident		52,927	0.00	52,927.00	52,927.00	0.00	0.00	0.00	0.00	0.00
2B	NPR Counted	1 - 2A1 - 2A2	110,901	42,332.00	53,115.00	95,447.00	10,070.00	3,200.00	627.00	1,557.00	15,454.00
3A	BIU unknown			0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3B	BIU known	2B - 3A	110,901	42,332.00	53,115.00	95,447.00	10,070.00	3,200.00	627.00	1,557.00	15,454.00
4A	Group Quarters		13,243	12,551.00	0.00	12,551.00	692.00	0.00	0.00	0.00	692.00
4B	Not Group Qtrs	3B - 4A	97,658	29,781.00	53,115.00	82,896.00	9,378.00	3,200.00	627.00	1,557.00	14,762.00
5A	Not Residential		549	0.00	0.00	0.00	455.00	54.00	13.00	27.00	549.00
5B	To Geocode	4B - 5A	97,109	29,781.00	53,115.00	82,896.00	8,923.00	3,146.00	614.00	1,530.00	14,213.00
6A	Geocode Good		76,651	17,102.00	48,124.00	65,226.00	6,562.00	3,033.00	581.00	1,249.00	11,425.00
6B	Geocode Bad		20,458	12,679.00	4,991.00	17,670.00	2,361.00	113.00	33.00	281.00	2,788.00
	checksum 5B	6A + 6B	97,109	29,781.00	53,115.00	82,896.00	8,923.00	3,146.00	614.00	1,530.00	14,213.00
7A	BIU OK	3B	110,901	42,332.00	53,115.00	95,447.00	10,070.00	3,200.00	627.00	1,557.00	15,454.00
7B	BIU unknown	3A		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7C	BIU OK, block OK	4A + 6A	89,894	29,653.00	48,124.00	77,777.00	7,254.00	3,033.00	581.00	1,249.00	12,117.00
7D	BIU OK, block unknown	5A + 6B	21,007	12,679.00	4,991.00	17,670.00	2,816.00	167.00	46.00	308.00	3,337.00
	checksum 7A	7C + 7D	110,901	42,332.00	53,115.00	95,447.00	10,070.00	3,200.00	627.00	1,557.00	15,454.00
8A	Military duplicate		2,134	0.00	0.00	0.00	1,196.00	674.00	263.00	1.00	2,134.00
8B	To Extract	3B - 8A	108,767	42,332.00	53,115.00	95,447.00	8,874.00	2,526.00	364.00	1,556.00	13,320.00

STEP	20120213 13:41	NOTE	TOTAL	MILITARY			STUDENTS				
				Sponsor	Dependent	TOTAL	UH	HPU	Chaminade	BYU-H	TOTAL
9A	BIU Oahu		106,618	42,139.00	52,868.00	95,007.00	7,179.00	2,520.00	360.00	1,552.00	11,611.00
9B	BIU Hawaii		1,483	34.00	55.00	89.00	1,386.00	3.00	3.00	2.00	1,394.00
9C	BIU Maui		380	55.00	78.00	133.00	243.00	2.00	0.00	2.00	247.00
9D	BIU Kauai		286	104.00	114.00	218.00	66.00	1.00	1.00	0.00	68.00
	checksum 8B	9A +... + 9D	108,767	42,332.00	53,115.00	95,447.00	8,874.00	2,526.00	364.00	1,556.00	13,320.00
9E	BIU unknown	7B		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9F	duplicate	8A	2,134	0.00	0.00	0.00	1,196.00	674.00	263.00	1.00	2,134.00
	checksum 2B	9A + ... + 9F	110,901	42,332.00	53,115.00	95,447.00	10,070.00	3,200.00	627.00	1,557.00	15,454.00

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APPENDIX K

STANDARDS AND CRITERIA GOVERNING THE 2021
REAPPORTIONMENT AND REDISTRICTING PROCESS

VII. DISCUSSION AND ACTION REGARDING THE STANDARDS AND CRITERIA GOVERNING THE REAPPORTIONMENT AND REDISTRICTING PROCESS

Proposed - 2021 REAPPORTIONMENT COMMISSION

STANDARDS AND CRITERIA U.S. CONGRESSIONAL DISTRICTS

Standards and criteria that shall be followed:

The population base used shall be the total population of the State of Hawaii as determined by the last U.S. Census - 1,455,271 persons.

The population in the two congressional districts shall be as nearly equal as possible. The difference in the populations in the two districts must be less than 1%.¹ The congressional districts shall not be drawn so as to unduly favor a person or political party.

The congressional districts shall be "contiguous". In other words, all parts of each district should share a common border and you should be able to reach any part of that district without crossing the district's boundary. Put another way, no district should be divided into two or more discrete pieces.

The congressional districts shall not be drawn so as to: (a) deny or abridge a citizen's right to vote based on race, color or membership in a language minority group; or (b) unlawfully discriminate against voters on the basis of race, color or membership in a language minority group.

Standards and criteria that are to be followed if practicable:

The congressional districts should be geographically "compact".

The congressional district boundaries should follow permanent and easily recognized features such as streets, streams, and clear geographic features.

The congressional district boundaries should coincide with census tract boundaries.

The state legislative districts should be wholly included within the congressional districts. In other words, all proposed state senate and representative districts should wholly fit within one of the two proposed congressional districts. They should not cross the

¹ Congressional redistricting plans with maximum deviations in population of up to 1% have been approved by federal courts, "provided the state policies underlying each individual deviation are both legitimate and sufficiently related to the deviation." See Hebert, et al., *The Realists' Guide to Redistricting*, Second Edition, ABA Section of Administrative Law and Administrative Practice, at page 7 (2010), citing *Vera v. Bush*, 933 F. Supp. 1341, 1348 & n. 9 (S.D. Tex., 1996) (three-judge court) and *Vera v. Bush*, 980 F. Supp. 251, 253 (S.D. Tex., 1997) (three-judge court).

congressional district borders and sit partly within both congressional districts.

Submergence of an area in a larger district wherein substantially different socio-economic interests predominate should be avoided. For example, if there are two groups of people with differing socio-economic interests residing in areas close to each other, if practicable, the congressional districts should not be drawn so that the voting power of one of the groups is submerged or outweighed by the voting power of the other group.

All proposed plans submitted to the Commission must contain the following technical information in the following format in order to be considered:

- Plans shall be submitted as a table of census block IDs, block population, and assigned district number.
- Permissible district numbers for Federal Congressional plans are 1 and 2.
- The Commission will also accept general comments and recommendations for redistricting and requests to consolidate, split or maintain specific communities of interest. Comments and recommendations should be submitted in writing.

Other standards and criteria:

- Neighborhoods will generally be determined based on existing elementary school district boundaries and/or neighborhood board district boundaries.
- While not mandatory, it is beneficial in the development of plans if the existing boundaries can be used as a starting which can be adjusted to reflect current data. This will facilitate tracking where changes have been made.

Proposed - STATE LEGISLATIVE DISTRICTS

Standards and criteria that shall be followed:

The population base used shall be the "permanent resident" population of the State of Hawaii. We plan to calculate the permanent resident population by taking the total population of the State of Hawaii as shown in the last U.S. census and subtracting the following : non-resident students and non-resident military sponsors and their dependents, as provided to us by local universities (i.e. University of Hawaii System, Hawaii Pacific University, Chaminade University, and Brigham Young University – Hawaii) and the military (i.e. Defense Manpower Data Center – Department of Defense). This is consistent with Article IV, Section 6, HRS § 25-2, the prior conduct of Reapportionment Commissions, and the Hawaii State Supreme Court's decision in *Solomon v. Abercrombie*, 126 Hawaii 283, 270 P.3d 1013 (2012) that discuss the

determination of the "permanent resident" population base.

The permanent resident population in each of the 25 state senate districts shall be as nearly equal as possible. Likewise, the permanent resident population in each of the 51 house of representative districts shall be as nearly equal as possible. The population difference between the largest and smallest of the districts of each house (the "maximum deviation") may be impacted by whether the integrity of the basic island units called for in Article IV, Section 4 concerning apportionment among the four basic island units is maintained or if the Commission decides to use canoe-districts that involve more than one basic island unit.²

Article IV, Section 4 is to be complied with, as opposed to the use of canoe-districts to lower the deviation between districts, the allocation of members to each house of the state legislature among the four basic island units is to occur through "the method of equal proportions; except that no basic island unit shall receive less than one member in each house." The method of equal proportions, is the same method of equal proportions, sometimes referred to as the Huntington-Hill method, that was used to apportion the U.S. House of Representatives. 2 USC § 2a. The application of the method of equal proportions to determine how many seats are allocated to a jurisdiction is reflected on the U.S. Census Bureau's website and will likewise be applied to allocate seats among the basic island units. <https://www.census.gov/topics/public-sector/congressional-apportionment/about/computing.html>.

As part of the documentation of the plans, it is advisable to prepare tables that reflect not only deviations between all districts but also deviations between districts within a basic

² A thorough discussion of the impact of maintaining basic island units on the deviation between the largest and smallest district in the state can be found in *Kostick v. Nago*, 960 F.Supp.2d 1074 (2013), *aff'd*, *Kostick v. Nago*, 134 S.Ct. 1001, 187 L.Ed.2d 849 (2014). Suffice it to say the maintaining of basic island units will result in significant deviations in excess of 10%. In 2011, the deviations between the largest and smallest districts were 44.22% in the Senate and 21.57% in the House. As noted in *Kostick*, "[b]ecause the total deviations exceed 10 percent, the 'entire plan is thus suspect and deviations substantially adding to the maximum deviation must be justified with expressed reasons.'" *Id.* at 109 (internal citations omitted). The District Court as affirmed by the U.S. Supreme Court concluded, in part, as follows:

We conclude that, given Hawaii's unique history, culture, and geography, the deviations of 44.22 percent in the Senate and 21.57 percent in the House do not exceed constitutional limits. We emphasize that our holding is specific to the facts before us. We do not hold that Hawaii's documented rationales—strong as they are—could justify any deviation, no matter how large. Nor do we suggest that Hawaii's state constitutional mandate trumps the Equal Protection Clause. This court has intervened before in Hawaii's legislative reapportionment, to little benefit and much dissatisfaction. Perhaps such intervention was warranted in 1982 on the record before the court in *Travis*. But on the extensive record before us, which evidences Hawaii's thoughtful and deliberative attempt to adequately represent its citizens in the face of unique challenges, we come to a different conclusion. Crediting the strength of the Commission's rationales and the uncontradicted evidentiary support in the record, the 2012 Reapportionment Plan's deviations pass constitutional scrutiny. The Commission created a reapportionment plan that was implemented in a manner consistent with principles of equal representation. The 2012 Reapportionment Plan complies with *Reynolds*'s ultimate aim—to achieve and assure "fair and effective representation for all citizens." 377 U.S. at 565–66, 84 S.Ct. 1362.

Id. at 111.

island unit. The Commission can balance representation in both houses as occurred in *Kostick*, a table reflecting the "disparities among *all* legislators (the 76 House and Senate seats combined) by basic island unit" may facilitate a discussion of such a position. *Id.* at 1102.

No state legislative district shall be drawn so as to unduly favor a person or political party.

Except in the case of districts encompassing more than one island, each state legislative district shall be "contiguous". In other words, all parts of each proposed district should share a common border and you should be able to reach any part of that district without crossing the district's boundary. Put another way, no district should be divided into two or more discrete pieces.

All state legislative districts should be single-member districts. Alternatively, not more than four members shall be elected from any state legislative district.

In drawing the state legislative districts, no census blocks shall be split. In other words, district lines shall not be drawn so that a census block lies partly in one district and partly in another district.

The state legislative districts shall not be drawn so as to: (a) deny or abridge a citizen's right to vote based on race, color or membership in a language minority group; or (b) unlawfully discriminate against voters on the basis of race, color or membership in a language minority group.

Standards and criteria that are to be followed if practicable:

No district shall extend beyond the boundaries of any basic island unit.*

The state legislative districts should be geographically "compact".

The state legislative district boundaries should follow permanent and easily recognized features such as streets, streams, and clear geographic features.

The state legislative district boundaries should coincide with census tract boundaries.

The state legislative districts should be wholly included within the congressional districts. In other words, all proposed state senate and representative districts should wholly fit within one of the two proposed congressional districts. They should not cross the congressional district borders and lie partly within both congressional districts.

The state house of representative districts should be wholly included within the state senate districts. In other words, a representative district should not lie partly in one senate district and partly within another senate district.

Submergence of an area in a larger district wherein substantially different socio-economic interests predominate should be avoided. For example, if there are two groups of people with differing socio-economic interests residing in areas close to each other, if practicable, the state legislative districts should not be drawn so that the voting power of one of the groups is submerged or outweighed by the voting power of the other group.

All proposed plans submitted to the Commission must contain the following technical information in the following format in order to be considered:

- Plans shall be submitted as a table of census block IDs, block population, and assigned district number.
- Permissible district numbers for State Senate plans are 1 thru 25. Permissible district numbers for State House plans are 1 thru 51.
- The Commission will also accept general comments and recommendations for redistricting and requests to consolidate, split or maintain specific communities of interest. Comments and recommendations should be submitted in writing.

Other standards and criteria:

- Neighborhoods shall be determined based on existing elementary school district boundaries and/or neighborhood board district boundaries.
- While not mandatory, it is beneficial in the development of plans if the existing boundaries can be used as a starting which can be adjusted to reflect current data. This will facilitate tracking where changes have been made.

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APPENDIX L

NEIGHBORHOOD BOARD RESOLUTIONS AND MINUTES



ALA MOANA-KAKA'AKO NEIGHBORHOOD BOARD NO. 11

NEIGHBORHOOD COMMISSION • 925 DILLINGHAM BOULEVARD, SUITE 160 • HONOLULU, HAWAII, 96817
PHONE (808) 768-3710 • FAX (808) 768-3711 • INTERNET <http://www.honolulu.gov/nco>

RESOLUTION CONCERNING THE REAPPORTIONMENT
OF HOUSE AND SENATE DISTRICTS

WHEREAS, Hawai'i state law directs the State of Hawai'i Reapportionment Commission ("Commission") to redraw, if needed, district boundaries in response to changes in population identified by the decennial United States Census in order to ensure that citizens are equally represented; and

WHEREAS, a "district" is the geographical area whose residents are represented by one member of the Hawaii State Legislature; and

WHEREAS HRS, section 25-2(b) lists the criteria by which the Commission will be guided in redrawing the boundaries, and among the criteria are these: "(3) In so far as practicable, districts shall be compact" and "(4) Where possible, district lines shall follow permanent and easily recognized features such as streets, streams, and clear geographical features, and when practicable, shall coincide with census tract boundaries" and "(6) Where practicable, submergence of an area in a larger district wherein substantially different socio-economic interests predominate shall be avoided"; and

WHEREAS, the Hawaii State Legislature designated the entirety of Kaka'ako as the Hawaii Community Development Authority's first Community Development District in order to recognize the neighborhood's potential to provide more housing, parks, open space, commercial, and industrial areas; and

WHEREAS, the current Senate redistricting proposal maintains the Makai portion of Kaka'ako within a district that is contiguous with the Mauka portions of Kaka'ako, Ala Moana, Waikiki, and portions of McCully; and

WHEREAS, the current House redistricting proposal places the Makai portion of Kaka'ako into new district representing Downtown, Chinatown, and Kalihi; and

WHEREAS, maintaining the Mauka and Makai portions of Kaka'ako within a contiguous House District would not affect population deviations, since residential development is not currently allowed in this district; and

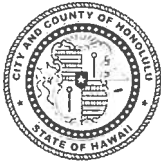
WHEREAS, alternative plans, such as the "Hicks Plan," may also provide better geographical representation while also reducing the population deviation between districts; and now therefore,

BE IT RESOLVED that the Commission is strongly urged to keep Mauka and Makai portions of Kaka'ako within a contiguous legislative district; and

BE IT FURTHER RESOLVED that the Commission is also urged to strongly consider alternative plans that minimize the population deviation and keeps neighborhoods together.

ADOPTED by the Ala Moana-Kaka'ako Neighborhood Board No. 11 at its regular meeting on Tuesday, November 23, 2021, by a vote of 8-0-1.

RYAN TAM
Chair



DIAMOND HEAD/KAPAHULU/ST. LOUIS HEIGHTS NEIGHBORHOOD BOARD NO. 5

c/o NEIGHBORHOOD COMMISSION • 925 DILLINGHAM BLVD SUITE 160 • HONOLULU, HAWAII,
96817

PHONE (808) 768-3710 • FAX (808) 768-3711 • INTERNET: <http://www.honolulu.gov/nco>

RESOLUTION RE: SUPPORT FOR PROPOSED RESOLUTION FROM NEIGHBORHOOD BOARD NO. 8 CHAIR OPPOSING THE 2021 REAPPORTIONMENT COMMISSION SUGGESTIONS

Strongly Urging the Hawai'i Reapportionment Commission to Reject the Current Proposed Reapportionment Plan for the State Legislature

WHEREAS, a fundamental tenet of elections in the United States is the fair apportionment of representation across a given population, and the United States and Hawai'i governments each have legislative bodies with legislators elected to represent individual districts that have an approximate equal number of citizens; and

WHEREAS, the process to ensure that districts have an approximate number of equal citizens in line with the changing population of a place is called reapportionment or redistricting; and

WHEREAS, article IV, section 2, of the Hawai'i State Constitution calls for and explains the procedures for the convening of the Hawai'i Reapportionment Commission, which is tasked every ten years with creating a reapportionment plan for the State Legislature and a reapportionment plan for United States congressional districts; and

WHEREAS, in creating reapportionment plans, the Hawai'i Reapportionment Commission's main consideration is the number of people living in an area, but it also considers issues such as natural and manmade physical boundaries separating communities, contiguousness of connected communities, and the issues shared by connected communities; and

WHEREAS, given its many considerations and a short window in which the State Constitution requires reapportionment plans to be finalized, it is understood that creating reapportionment plans is an imperfect and difficult process; and

WHEREAS, on October 28, 2021, the Hawai'i Reapportionment Commission voted to accept a proposed reapportionment plan for the State Legislature; and

WHEREAS, due to significant increases in population in leeward of O'ahu and in Kaka'ako, the proposed redistricting plan for O'ahu sees many existing O'ahu Legislative districts being redrawn entirely; and

WHEREAS, in particular, urban and east Honolulu districts are being significantly redrawn or combined; and

WHEREAS, the proposed reapportionment plan for the State Legislature creates House District 21, which covers the vast majority of the McCully-Mō'ili'ili neighborhood and the Diamond Head neighborhood;

WHEREAS, these neighborhoods, as drawn on the current maps, are only connected by the Ala Wai Golf course, which is not residential;

WHEREAS, additionally, the proposed reapportionment plan leaves the McCully-Mō'ili'ili neighbors who live along the Ala Wai Canal to be included with the representation for Waikīkī instead of with the rest of McCully-Mō'ili'ili; and

WHEREAS, for the previous decade, McCully-Mō'ili'ili has had four State Representative districts that overlap with our neighborhood; and

WHEREAS, the issues facing the neighborhoods with which McCully-Mō'ili'ili shares State Representatives are similar to the issues facing or directly impacting McCully-Mō'ili'i; and

WHEREAS, these neighborhoods include Mānoa, Makiki, Ala Moana, and Kapahulu; and

WHEREAS, the issues that face McCully-Mō'ili'ili are varied from and are not immediately impacted by the issues facing the Diamond Head neighborhood; and

WHEREAS, neither McCully-Mō'ili'ili nor Diamond Head will be best served by a Representative who has to consider the varied interests of our two distinct neighborhoods that are not physically contiguous through residential property; and

WHEREAS, the Hawai'i Reapportionment Commission will be hosting a series of public meetings during November and December 2021, and January 2022, to take testimony on and finalize its reapportionment plans; now, therefore,

BE IT RESOLVED that that the McCully-Mō'ili'ili Neighborhood Board No. 8 strongly urges the Hawai'i Reapportionment Commission to reject the proposed reapportionment plan for the State Legislature adopted on October 28, 2021; and


BE IT FURTHER RESOLVED that the Hawai'i Reapportionment Commission is strongly urged to reject any reapportionment plan for the State Legislature that relies on using the Ala Wai Golf Course or any non- residential property to make a contiguous district; and

BE IT FURTHER RESOLVED that the Hawai'i Reapportionment Commission is strongly urged to keep as much of the McCully-Mō'ili'ili neighborhood represented by a single State Senator and single State Representative as practical or Constitutionally allowed; and

BE IT FURTHER RESOLVED that, if the McCully-Mō'ili'ili neighborhood must be combined with other neighborhoods to meet Constitutional requirements, the Hawai'i Reapportionment Commission is strongly urged to only combine the McCully-Mō'ili'ili with immediately adjacent neighborhoods that face the same issues as or directly McCully-Mō'ili'ili; and

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to the Chair and Commissioners of the Hawai'i Reapportionment Commission and the Chief Elections Officer of the State of Hawaii.

The Diamond Head / Kapahulu / St. Louis Heights Neighborhood Board No. 5 approved and adopted this resolution at its Thursday, November 9, 2021 Regular Board meeting, by unanimous consent 11-0-0 (Aye: Allen, Hasina, Narita, Beutel, Kealoha Lindsey, Murakawa, Peralto, West, Salenger, Matson, Wong; Nay: None; Abstain: None)


Andrew L. Salenger, Chair



HAWAII KAI NEIGHBORHOOD BOARD NO. 1 - RESOLUTION #21-3

OPPOSING THE PROPOSED 2021 REAPPORTIONMENT PLAN FOR HOUSE DISTRICTS 17 AND 51 AND SENATE DISTRICTS 9 AND 25 AND STRONGLY URGING THE REAPPORTIONMENT COMMISSION TO REDRAW THESE PROPOSED DISTRICT BOUNDARIES TO KEEP THE HAWAII KAI COMMUNITY INTACT.

ROBERTA MAYOR

At Large
Chairperson

ELIZABETH REILLY

At Large
Vice Chair

TEHANI MALTERRE

Sub district #9
Secretary

BYRON APO

Sub district #8
Treasurer

GREG KNUDSEN

At Large

KALEO NAKOA

At Large

ADAM DOLAK

Sub district #1

MARIAN GREY

Sub district #2

TATIANA QUONG

Sub district #3

Vacant

Sub district #4

ELIJAH LEE

Sub district #5

HERB SCHREINER

Sub district #6

KIM HOLLANDSWORTH

Sub district #7

Vacant

Sub district #10

PAIGE ALTONN

Sub district #11

**Hawaii Kai
Neighborhood Board #1**

c/o Neighborhood
Commission Office
925 Dillingham Blvd., #160
Honolulu, Hawaii 96817
Phone: (808) 768-3710
Fax: (808) 768-3711
www.honolulu.gov/nco

Hawaii Kai Neighborhood
Board meets 7 p.m. the last
Tuesday of every month
except Dec. at Hahaione
Elementary School cafeteria.
The public is welcome to
attend.

WHEREAS, the proposed reapportionment plan for House District 17 fragments the intact Hawaii Kai community by incorporating the neighborhoods of Queen's Gate, Koko Villas, Laulima, parts of Kalama Valley, Kaiser High School and its environs, Portlock, and the Kaiwi Coastline into House District 51, thereby separating them from the current Hawaii Kai community, and

WHEREAS, the proposed reapportionment plan exacerbates the error committed in the 2010 reapportionment when parts of Kalama Valley and Portlock were placed in the current Senate District 25, and

WHEREAS, the proposed change to combine portions of House District 17 with House District 51 creates a non-contiguous district that straddles Congressional Districts 1 and 2, thereby not wholly containing either of the areas in one Congressional District as per Commission precept, and

WHEREAS, the Hawaii Kai geographic area in its current boundaries is an intact community and the reapportionment proposal for House Districts 17 and 51 splits both districts into an illogical, incongruent contortion wrapping around the Kaiwi Coastline, and

WHEREAS, the Hawaii Kai community for many decades has been instrumental in helping to protect and preserve the Kaiwi Coastline for Hawaii residents and visitors alike, has assisted in preserving beaches along the coastline such as Sandy Beach and Wawamalu Beach, has supported the preservation of Hanauma Bay, and has promoted conservation of the natural coastal landscape, most recently with a community purchase of 187 acres across from Makapu'u, and

WHEREAS, the Hawaii Kai community succeeded in obtaining designation of the Kaiwi Coastline as a Hawaii State Scenic Byway and has developed a Maunaloa to Makapu'u Corridor Management Plan approved by the State Department of Transportation, and

WHEREAS, the Hawaii Kai community has committed time, energy and resources to be the primary stewards of the scenic and fragile Kaiwi Coastline, and

WHEREAS, the Queen's Gate, Koko Villas, Laulima, Kalama Valley, Portlock communities and Kaiser High School and its environs are geographically, historically and logically integral parts of the Hawaii Kai community, and

WHEREAS, the socio-economic-political infrastructure of the Queen's Gate, Koko Villas, Laulima, Kalama Valley, Portlock neighborhoods and Kaiser High School and its environs are coherent with the Hawaii Kai community as a whole, as well as the East Honolulu communities, and

WHEREAS, Districts 17 and 51 are currently clearly demarcated with Makapu'u Point Lighthouse as a natural geographic boundary, and political dividing line between the Windward and Leeward sides of the Koolau Mountains, and

WHEREAS, the proposed redistricting plan splits the Hawaii Kai area between Districts 17 and 51, thereby fragmenting the voice of the Hawaii Kai community, divides Enchanted Lakes between Districts 50 and 51, thereby diluting the voice of the Enchanted Lakes community, and conceivably, negatively impacts the Native Hawaiian voice by squeezing the Waimanalo area between two disparate communities, and

WHEREAS, the population deviation in the current District 17 can be addressed by moving the Ewa boundary westward beyond Kawaihae Street towards downtown Honolulu, and

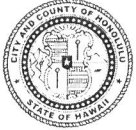
WHEREAS, in their personal capacity, the Chairpersons of Neighborhood Boards #32 (Waimanalo) and #31 (Kailua) support the Hawaii Kai Neighborhood Board in their efforts to oppose the proposed reconfiguration of House Districts 17 and 51, and Senate Districts 9 and 25, and

WHEREAS, the Hawaii Kai Neighborhood Board supports the alternate redistricting plans submitted by Bill Hicks for House Districts 17 and 51, and Senate Districts 9 and 25 for the Reapportionment Commission to consider, now therefore

BE IT RESOLVED, that the Reapportionment Commission Technical Group is strongly urged to redraw the proposed boundary configuration for House Districts 17 and 51, and Senate Districts 9 and 25, to maintain Makapu'u Point as the natural geographic boundary between these House and Senate Districts, to extend the Ewa boundary of House District 17 westward beyond Kawaihae Street towards downtown Honolulu as needed to address any population deviation, and to allow the Hawaii Kai community to remain intact, and

BE IT FURTHER RESOLVED that copies of this Resolution be delivered to the 2021 Reapportionment Commission, members of the Hawai'i State Legislature, and Chairpersons and members of Neighborhood Boards #32 (Waimanalo) and #31 (Kailua).

UNANIMOUSLY APPROVED: OCTOBER 26, 2021 (13 AYES, 0 NAYS, 0 ABSTENTIONS)



KAILUA NEIGHBORHOOD BOARD NO. 31

WILLIAM M. HICKS, CHAIRMAN • 923 AKUMU STREET • KAILUA, HAWAII, 96734-4004
PHONE (808) 230-2293 • E-MAIL billhicksknb@gmail.com

November 15, 2021

2021 Reapportionment Commission
c/o Scott Nago, Secretary
802 Lehua Avenue
Pearl City, HI 96782-3321
reapportionment@hawaii.gov

Subject: Kailua Neighborhood Board Opposition to Proposed Reapportionment Plan and Support for Alternative Plan

Aloha Chair Mugiishi and Reapportionment Commissioners,

The Kailua Neighborhood Board (KNB) reviewed the 2021 House and Senate redistricting plans that were adopted by the Commission at the October 28, 2021, meeting and are now open to public comment.

The plans were evaluated against the HRS 25-2(b) criteria that, in so far as practicable, districts shall be compact and contiguous, and, where possible, district lines shall follow permanent and easily recognized features such as streets, streams, and clear geographical features.

House Districts 51 and 17 are currently clearly demarcated with Makapu'u Point Lighthouse as a natural geographic boundary between the Windward and Leeward sides of the Ko'olau Mountains and political dividing line between Windward Oahu and East Oahu.

The proposed redistricting plan mixes East Oahu and Windward Oahu communities within House District 51, thereby diluting the voice of the Enchanted Lake community as well as the Hawaii Kai Portlock community, and conceivably, negatively impacting the Native Hawaiian voice by squeezing the Waimanalo area between two dissimilar communities and replacing Enchanted Lake with Portlock which has a lower Hawaiian percentage.

The same rationale also applies to Senate District 25 (Windward Oahu) and Senate District 9 (East Oahu) where Senate District 25 unnecessarily mixes Windward Oahu and East Oahu communities.

An alternative redistricting plan (known as the "Hicks Plan") that uses both Makapu'u Point and Ka'ena Point as natural boundaries for House and Senate districts demonstrates that it is possible to keep more communities intact, reduce the population deviation between districts, and in particular, not mix East Oahu and Windward Oahu communities within a legislative district.

The Reapportionment Commission is strongly urged to redraw the proposed boundary configuration for House District 51 to maintain Makapu'u Point as the natural geographic boundary between House Districts 51 and 17, and to reestablish Makapu'u Point as the natural geographic boundary between Senate Districts 25 and 9.

The KNB unanimously approved the enclosed resolution on November 4, 2021.

Mahalo for your consideration!

Sincerely,

William M. Hicks
Chairman, Kailua Neighborhood Board

Enclosure: (1) Kailua Neighborhood Board Resolution of November 4, 2021, Requesting the State of Hawaii Reapportionment Commission Not Mix Windward Oahu and East Oahu Neighborhoods Within the Boundaries of House District 51 or Senate District 25

**RESOLUTION CONCERNING THE REAPPORTIONMENT OF
HOUSE AND SENATE DISTRICTS**

**REQUESTING THE STATE OF HAWAII REAPPORTIONMENT COMMISSION
NOT MIX WINDWARD OAHU AND EAST OAHU NEIGHBORHOODS WITHIN THE BOUNDARIES OF
HOUSE DISTRICT 51 OR SENATE DISTRICT 25 TO KEEP WINDWARD COMMUNITIES INTACT**

November 4, 2021

WHEREAS Hawai'i state law directs the State of Hawaii Reapportionment Commission ("Commission") to redraw, if needed, district boundaries in response to changes in population identified by the decennial United States Census in order to ensure that citizens are equally represented; and

WHEREAS a "district" is the geographical area whose residents are represented by one member of the Hawaii State Legislature; and

WHEREAS HRS, section 25-2(b) lists the criteria by which the Commission will be guided in redrawing the boundaries, and among the criteria are these: "(3) Insofar as practicable, districts shall be compact" and "(4) Where possible, district lines shall follow permanent and easily recognized features such as streets, streams, and clear geographical features"; and

WHEREAS, the proposed change to combine portions of House District 51 with House District 17 creates a non-compact district that straddles Congressional Districts 1 and 2, thereby not wholly containing either of the areas in one Congressional District as per Commission instruction, and

WHEREAS, House Districts 51 and 17 are currently clearly demarcated with Makapu'u Point Lighthouse as a natural geographic boundary, and political dividing line between the Windward and Leeward sides of the Ko'olau Mountains, and

WHEREAS, the proposed redistricting plan mixes East Oahu and Windward Oahu communities within House District 51, thereby diluting the voice of the Enchanted Lake community as well as the Hawaii Kai Portlock community, and conceivably, negatively impacting the Native Hawaiian voice by squeezing the Waimanalo area between two dissimilar communities and replacing Enchanted Lake with Portlock which has a lower Hawaiian percentage, and

WHEREAS, the population deviation in the current House District 17 can be addressed by moving the Ewa boundary westward towards Kawaihae Street, and

WHEREAS, the same rationale also applies to Senate District 25 (Windward Oahu) and Senate District 9 (East Oahu) where Senate District 25 unnecessarily mixes Windward Oahu and East Oahu communities, and

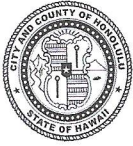
WHEREAS, the Hawaii Kai Neighborhood Board has passed a similar resolution and the Chairperson of the Waimanalo Neighborhood Boards #32 supports the Hawaii Kai Neighborhood Board in their efforts to oppose the proposed reconfiguration of House Districts 51 and 17 and the proposed Senate District 25, and

WHEREAS, an alternative redistricting plan that uses both Makapu'u Point and Ka'ena Point as natural boundaries for House and Senate districts, keeps more communities intact, and reduces the population deviation between districts has been submitted to the Reapportionment Commission to consider, now therefore

BE IT RESOLVED that the Reapportionment Commission is strongly urged to redraw the proposed boundary configuration for House District 51 to maintain Makapu'u Point as the natural geographic boundary between House Districts 51 and 17, and to reestablish Makapu'u Point as the natural geographic boundary between Senate Districts 25 and 9, and

BE IT FURTHER RESOLVED that copies of this Resolution be delivered to the 2021 Reapportionment Commission, members of the Hawai'i State Legislature, and Chairpersons and members of Neighborhood Boards #32 (Waimanalo) and #1 (Hawaii Kai).

Enclosure (1)



KAIMUKI NEIGHBORHOOD BOARD NO. 4

c/o NEIGHBORHOOD COMMISSION ♦ 530 SOUTH KING STREET ROOM 406 ♦ HONOLULU, HAWAII, 96813

TEL: (808) 768-3710 ♦ FAX (808) 768-3711 ♦ EMAIL: nco@honolulu.gov ♦ INTERNET: <http://www1.honolulu.gov/nco>

RESOLUTION REQUESTING THE STATE OF HAWAII REAPPORTIONMENT COMMISSION TO CONSIDER REDRAWING THE HOUSE DISTRICT LINES IN THE KAIMUKI, KAPAHULU, DIAMOND HEAD, and WAIALAE AREAS TO COMPLY WITH HAWAII LAW

WHEREAS Hawai'i State law directs the State of Hawaii Reapportionment Commission ("Commission") to redraw, if needed, district boundaries in response to changes in population identified by the decennial United States Census in order to ensure that citizens are equally represented; and

WHEREAS a "district" is the geographical area whose residents are represented by one member of the Hawaii State Legislature; and

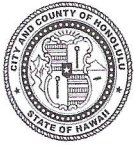
WHEREAS the Hawaii State Constitution Article IV, Section 6 and Hawaii Revised Statutes, Section 25-2(b) lists the criteria by which the Commission will be guided in redrawing the boundaries, and among the criteria are these: "(2) No district shall be so drawn as to unduly favor a person or political faction", "(3) Insofar as practicable, districts shall be compact", and "(6) Where practicable, submergence of an area in a larger district wherein substantially different socio-economic interests predominate shall be avoided"; and

WHEREAS, in mid-October the Reapportionment Commission Technical committee released its proposed maps for both the House and Senate, spurring intense criticism from multiple individuals and communities across the islands;

WHEREAS, several news stories, commentaries, and testimonies from individuals, neighborhood board members, political science academics, and non-partisan government watchdog organizations have raised concerns about gerrymandering in the Kaimuki, Kapahulu, Diamond Head, and Waialae areas - with districts drawn in ways that appear to favor a person or political faction and/or to punish some incumbents;

WHEREAS, a line approximately 1.5 miles in distance can be drawn to connect five House Districts in the Diamond Head, Kapahulu, Kaimuki, Waialae areas, with one border wrapping around the residence of a sitting incumbent;

WHEREAS, several individuals have testified their concern that the Reapportionment Commission has engaged in a constitutionally invalid extraction of non-permanent residents; which, if done properly, they contend, would shift a House District from Oahu to the Island of Hawaii, thereby rendering



KAIMUKI NEIGHBORHOOD BOARD NO. 4

c/o NEIGHBORHOOD COMMISSION • 530 SOUTH KING STREET ROOM 406 • HONOLULU, HAWAII, 96813

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moot the Technical Committee's proposed map for all of Oahu and requiring a revised map;

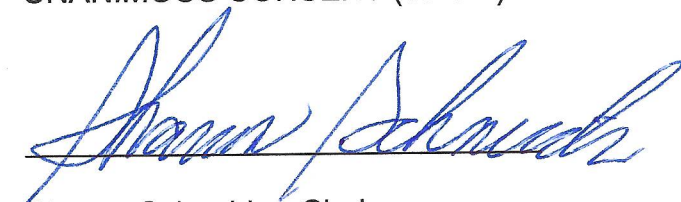
WHEREAS, the Kailua, Hawaii Kai, and Waimanalo Neighborhood Boards worked together to pass resolutions opposing the proposed House District map because it dilutes the voices and voting power of the Native Hawaiian community in Waimanalo, residents of the Hawaii Kai Portlock area in East Oahu, and the Enchanted Lake Communities in Windward Oahu by combining these neighborhoods into one State House District that straddles Congressional Districts 1 and 2 and is merely connected by narrow stretch of uninhabited land in the Makapuu area;

WHEREAS, the Manoa Neighborhood Board passed a resolution opposing the proposed map for splitting the very cohesive Manoa Valley community down E. Manoa Road and Lowrey Road into two districts - undermining its historical status as an Ahupua'a; now therefore

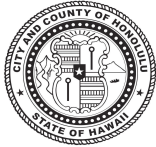
BE IT RESOLVED that the Kaimuki Neighborhood Board strongly urges the Reapportionment Commission to consider redrawing the district boundary lines in the Kaimuki, Kapahulu, Diamond Head, and Waialae areas, in particular - and Oahu in general - in ways that comply with Hawaii law and demonstrate greater compactness, contiguity, and cohesiveness of well-established neighborhoods to avoid the appearance of "unduly favor[ing] a person or political faction", and the submergence of distinct Socio-economic communities in violation of the Hawaii Constitution Article VI section 6 and HRS 25-2(b); and

BE IT FURTHER RESOLVED that copies of this Resolution be delivered to the 2021 Reapportionment Commission, and members of the Hawai'i State Legislature.

This resolution was adopted by the Kaimuki Neighborhood Board No. 4 by UNANIMOUS CONSENT (10-0-0) on Wednesday, November 17, 2021.



Sharon Schneider, Chair



MĀNOA NEIGHBORHOOD BOARD NO. 7

c/o NEIGHBORHOOD COMMISSION ♦ 925 DILLINGHAM BLVD., STE. 160 ♦ HONOLULU, HAWAII 96817
PHONE: (808) 768-3710 ♦ FAX: (808) 768-3711 ♦ INTERNET: <https://www.honolulu.gov/nco>

REQUESTING THE STATE OF HAWAII REAPPORTIONMENT COMMISSION TO REDRAW THE BOUNDARIES OF TG HOUSE DISTRICT 20, SO THAT IT INCLUDES ALL OF THE RESIDENTS OF MĀNOA VALLEY

WHEREAS Hawai'i state law directs the State of Hawai'i Reapportionment Commission ("Commission") to redraw, if needed, district boundaries in response to changes in population identified by the decennial United States Census in order to ensure that citizens are equally represented; and

WHEREAS a "district" is the geographical area whose residents are represented by one member of the Hawai'i State Legislature; and

WHEREAS Hawai'i Revised Statutes, section 25-2(b) lists the criteria by which the Commission will be guided in redrawing the boundaries, and among the criteria are these: "(3) Insofar as practicable, districts shall be compact" and "(4) Where possible, district lines shall follow permanent and easily recognized features such as streets, streams, and clear geographical features"; and

WHEREAS the current boundaries of House District (HD) 23 preserve the integrity of the residents of Mānoa Valley to be part of one legislative district, with the small exception of residents who live on the slopes of Round Top west of Mānoa Road until 'Ale'o Pl. and then west of Ferdinand until 'Awapuhi St.; and

WHEREAS the boundaries of the proposed Technical Group (TG) House District 20 has a western boundary that runs along University Ave. as it goes past the University of Hawai'i at Mānoa Campus and then makes a right turn along East Mānoa Rd. and makes a left turn at Lowrey Ave., thus excluding from the TG District 20 all those living east and south of those boundaries, those residents constituting roughly one third of the residents of Mānoa Valley, and instead placing them in TG House District 24; and

WHEREAS to substitute for the loss of residents in the former HD 23, the boundaries move east as far as Koko Head Ave. in Kaimukī in one prong and to Monsarrat Ave. on the slopes of Diamond Head, up to, but not including, Kap'iolani Community College in the other prong; and

WHEREAS therefore, the boundaries of the proposed TG House District 20 neither make it compact nor follow clear geographical features; and

WHEREAS twenty-two residents of Mānoa, with only 48-hours' notice, testified in opposition to the Technical Group's proposed District boundaries; and

WHEREAS for the second meeting of the Reapportionment Commission (October 28, 2021), fifty-one Mānoa residents submitted testimony in opposition to the Technical Group's boundaries; and

WHEREAS several of these testifiers cited Mānoa Valley’s historical status as one ahupua’a, one watershed; and

WHEREAS the Board of Mālama Mānoa, a community organization representing 4,103 residents of Mānoa Valley, voted unanimously to oppose dividing up Mānoa Valley into TG House Districts 20 and 24; and

WHEREAS the nonpartisan watchdog group Common Cause pointed to the TG House District 20 as a “suspect” district; and

WHEREAS the reapportionment plan of Bill Hicks, Chair of the Kailua Neighborhood Board, contains a House District 23 that includes all of the residents of Mānoa Valley and thus demonstrates that such boundaries can feasibly be drawn within a reapportionment scheme for O’ahu as a whole; now therefore,

BE IT RESOLVED that the Mānoa Neighborhood Board no. 7 requests that the State of Hawai‘i Reapportionment Commission respect the geographical and political integrity of Mānoa Valley by redrawing the district boundaries to include all of Mānoa residents within one House District; and

BE IT FURTHER RESOLVED that the Mānoa Neighborhood Board no. 7 supports and endorses the “Hicks Plan” that has been recently presented to the Reapportionment Commission and recommends its consideration for keeping compact, contiguous, and cohesive communities intact, including Mānoa House District 23, Lanikai/Enchanted Lake/Waimānalo HD 51, and Hawai‘i Kai HD 17, while achieving a better population balance than the Commission’s Technical Group’s proposal; and

BE IT FURTHER RESOLVED that copies of this resolution be transmitted to the State of Hawai‘i Reapportionment Commission, the Senate President, the Speaker of the House, Senator Brian Taniguchi, Representative Dale Kobayashi, and Councilmember Calvin Say.

Elton T. Fukumoto - Vice Chair
Elton Fukumoto, Vice Chair
Mānoa Neighborhood Board No. 7

**This Letter Was Adopted Without Opposition by the Mānoa Neighborhood Board No. 7,
in its Regular Meeting on Wednesday, November 2, 2021.**

**Strongly Urging the Hawai'i Reapportionment Commission to Reject the Current Proposed
Reapportionment Plan for the State Legislature**

WHEREAS, a fundamental tenet of elections in the United States is the fair apportionment of representation across a given population, and the United States and Hawai'i governments each have legislative bodies with legislators elected to represent individual districts that have an approximate equal number of citizens; and

WHEREAS, the process to ensure that districts have an approximate number of equal citizens in line with the changing population of a place is called reapportionment or redistricting; and

WHEREAS, article IV, section 2, of the Hawai'i State Constitution calls for and explains the procedures for the convening of the Hawai'i Reapportionment Commission, which is tasked every ten years with creating a reapportionment plan for the State Legislature and a reapportionment plan for United States congressional districts; and

WHEREAS, in creating reapportionment plans, the Hawai'i Reapportionment Commission's main consideration is the number of people living in an area, but it also considers issues such as natural and manmade physical boundaries separating communities, contiguousness of connected communities, and the issues shared by connected communities; and

WHEREAS, given its many considerations and a short window in which the State Constitution requires reapportionment plans to be finalized, it is understood that creating reapportionment plans is an imperfect and difficult process; and

WHEREAS, on October 28, 2021, the Hawai'i Reapportionment Commission voted to accept a proposed reapportionment plan for the State Legislature; and

WHEREAS, due to significant increases in population in leeward of O'ahu and in Kaka'ako, the proposed redistricting plan for O'ahu sees many existing O'ahu Legislative districts being redrawn entirely; and

WHEREAS, in particular, urban and east Honolulu districts are being significantly redrawn or combined; and

WHEREAS, the proposed reapportionment plan for the State Legislature creates House District 21, which covers the vast majority of the McCully-Mō'ili'ili neighborhood and the Diamond Head neighborhood; and

WHEREAS, these neighborhoods, as drawn on the current maps, are only connected by the Ala Wai Golf course, which is not residential; and

WHEREAS, additionally, the proposed reapportionment plan leaves the McCully-Mō'ili'ili neighbors who live along the Ala Wai Canal to be included with the representation for Waikīkī instead of with the rest of McCully-Mō'ili'ili; and

WHEREAS, for the previous decade, McCully-Mō'ili'ili has had four State Representative districts that include our neighborhood, and those Representative districts also include adjacent neighborhoods; and

WHEREAS, in these districts, McCully-Mō'ili'ili is combined with parts of Mānoa (District 23), Makiki (District 24), Ala Moana (District 26), and Kapahulu (District 21); and

WHEREAS, the issues facing these adjacent neighborhoods are similar to the issues facing or directly impacting McCully-Mō'ili'i; and

WHEREAS, the issues that face McCully-Mō'ili'i are varied from and are not immediately impacted by the issues facing the Diamond Head neighborhood; and

WHEREAS, neither McCully-Mō'ili'i nor Diamond Head will be best served by a Representative who has to consider the varied interests of these two distinct neighborhoods that are not physically contiguous through residential property; and

WHEREAS, the McCully-Mō'ili'i neighbors who live along the Ala Wai canal will not be best served by a Representative who considers the interests of Waikīkī over the interests of McCully-Mō'ili'i; and

WHEREAS, the Hawai'i Reapportionment Commission will be hosting a series of public meetings during November and December 2021, and January 2022, to take testimony on and finalize its reapportionment plans; now, therefore,

BE IT RESOLVED that that the McCully-Mō'ili'i Neighborhood Board No. 8 strongly urges the Hawai'i Reapportionment Commission to reject the proposed reapportionment plan for the State Legislature adopted on October 28, 2021; and

BE IT FURTHER RESOLVED that the Hawai'i Reapportionment Commission is strongly urged to reject any reapportionment plan for the State Legislature that relies on using the Ala Wai Golf Course or any non-residential property to make a contiguous district; and

BE IT FURTHER RESOLVED that the Hawai'i Reapportionment Commission is strongly urged to keep as much of the McCully-Mō'ili'i neighborhood represented by a single State Senator and single State Representative as practical or Constitutionally allowed; and

BE IT FURTHER RESOLVED that if the Hawaii Reapportionment Commission is unable to propose a reapportionment plan for the State Legislature in which the McCully-Mō'ili'i neighborhood is only represented by a single State Senator and single State Representative, then the Commission is strongly urged to only combine the McCully-Mō'ili'i with immediately adjacent neighborhoods that face the same issues as or directly McCully-Mō'ili'i; and

BE IT RESOLVED that the Neighborhood Commission Office is asked to transmit an electronic copy of this resolution to the electronic mailing list for this Board; and

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to the Chair and Commissioners of the Hawai'i Reapportionment Commission; the Chief Elections Officer of the State of Hawaii; the Chair of the Diamond Head/Kapahulu/Saint Louis Heights Neighborhood Board; the Chair of the Waikīkī Neighborhood Board; the Chair of the Mānoa Neighborhood Board; the Chair of the Makiki/Lower Punchbowl/Tantalus Neighborhood Board; and the Chair of the Ala Moana-Kaka'ako Neighborhood Board.



PEARL CITY NEIGHBORHOOD BOARD NO. 21 <https://pearlcitynb.com/>

NEIGHBORHOOD COMMISSION • 925 DILLINGHAM BLVD, SUITE 160 • HONOLULU, HAWAII, 96817
PHONE (808) 768-3710 • FAX (808) 768-3711 • <http://www.honolulu.gov/nco>

Chair Larry Veray, Vice-Chair Dion Mesta, Secretary Shanda Delos Reyes, Treasurer Guy Inouye, Kuni Agard, Charmaine Doran, Elayne Funakoshi, Jayden Liu, Lawrence Miyazono, Kelsey Poaha, Tony Velasco

A RESOLUTION IN OPPOSITION TO THE PROPOSED REDISTRICTING PLANS FOR PEARL CITY.

WHEREAS, every ten years following the U.S. Census, the State of Hawai'i and the City and County of Honolulu initiate Reapportionment Commissions; and

WHEREAS, the Hawai'i State Constitution, the Hawai'i Revised Statutes, and the Revised Charter of the City and County of Honolulu ("Charter") mandate that reapportionment efforts preserve communities and be contiguous; and

WHEREAS, the City and County of Honolulu adopted its final maps on October 26, 2021; and

WHEREAS, the State of Hawai'i Reapportionment Commission has proposed several maps for adoption for the State Legislative Districts; and

WHEREAS, the City's Reapportionment Commissionⁱ which convened during the current COVID-19 pandemic, adopted its final Reapportionment maps on October 26, 2021 and thereby cutting off the public comment and consideration time much earlier than needed; and

WHEREAS, the City's plan is not really contiguous, separates the Pearl City community from its current neighbors, and expandsⁱⁱ the district immensely; and

WHEREAS, for State electionsⁱⁱⁱ, the proposed plans for Pearl City cuts large segments of our community out and separates us from our contiguous district; and

WHEREAS, clearly redistricting is a difficult process that is further complicated with the political nature of appointments and the decision-making bodies themselves; and

WHEREAS, from the Pearl City perspective, each reapportionment cycle it looks as if the political boundaries in urban Honolulu do not really shift to meet the outer areas which are growing, but instead remain mostly static; and

WHEREAS, in contrast, each reapportionment cycle there is an attempt to force the communities of Central and Leeward Oahu into new political areas that often make no sense; and

WHEREAS, the 2011 State Reapportionment redistricting composition was so disproportionate that it required the Hawai'i Supreme Court to intervene^{iv}; and

WHEREAS, to avoid these same issues, at minimum, the Hawai'i State Legislature should limit terms for Reapportionment Commissioners; and

WHEREAS, further, while other counties have amended their charters to require residency requirements for reapportionment commissioners, the City and County of Honolulu^v has not which is a disservice to the people of Honolulu; now, therefore

BE IT RESOLVED that the Pearl City Neighborhood Board is opposed to the proposed State and City Reapportionment Plans for the Pearl City District; and

BE IT FURTHER RESOLVED that the Pearl City Neighborhood Board believes that both the City and State Reapportionment Plans do need meet governing provisions and do not benefit the people of our district; and

BE IT FINALLY RESOLVED that copies of this Resolution be forwarded to Mayor Rick Blangiardi, Senator Clarence Nishihara, Senator Bennette E. Misalucha, Representative Gregg Takayama, Representative Roy Takumi, Councilmember Brandon Elefante and Council Chair Tommy Waters.

The Pearl City Neighborhood Board No. 21 unanimously approved at its November 23, 2021 Regular Board meeting, by 10-0-0 vote.

Respectfully Submitted By:



Larry S. Veray, Chair
Pearl City Neighborhood Board



Charmaine T. Doran, Chair
Legislative and Capital Improvements
Committee

ⁱ https://www.honolulu.gov/rep/site/clk/clk_docs/City_Charter_Article_III_Section_3-103.pdf

ⁱⁱ https://www.google.com/maps/d/viewer?mid=1Na1ZydRTXFEExMONkBa05ZTecotV_ZsDk&ll=21.424464482850397%2C-157.94665481249996&z=12

ⁱⁱⁱ <https://elections.hawaii.gov/wp-content/uploads/Proposed-Oahu-House-Districts.pdf>

^{iv} https://elections.hawaii.gov/wp-content/uploads/2015/03/2012ReapportionmentFinalReport_2012_03_30.pdf

^v https://www.honolulu.gov/rep/site/clk/clk_docs/City_Charter_Article_III_Section_3-103.pdf





November 16, 2021

We, the Waimānalo Neighborhood Board, opposed the 2021 proposed Reapportionment Plan of House District 51 and House District 17 and urge the Reapportionment Commission to redo the district boundaries to keep current communities intact.

WHEREAS due to possible negative impacts to a rural and federally recognized Native Hawaiian community and other unique aspects of our community, and

WHEREAS moving the boundary of our community will have negative social and economic impacts on the nature of one of the two Native Hawaiian majority communities on O‘ahu, and

WHEREAS the proposed reapportionment plan for House Districts 51 and 17 fragments an intact Hawai‘i Kai community by separating the neighborhoods of Kalama Valley, Portlock and the Ka‘iwi Coastline from the current Hawai‘i Kai community, and

WHEREAS the proposed reapportionment plan for House Districts 51 and 17 fragments an intact Kailua community by separating the Enchanted Lakes community from the current Kailua community, and

WHEREAS the proposed reapportionment plan for House Districts 51 and 17 exacerbates the error committed in the 2010 reapportionment which included parts of Kalama Valley and Portlock in the current Senate District 25, and

WHEREAS the proposed House District 51 and Senate District 25 are not compact and are contiguous only by means of a narrow beach corridor, and both districts would straddle Congressional Districts 1 and 2 and will not be wholly contained in a Congressional District as per Commission precept, and

WHEREAS Districts 51 and 17 are currently well-drawn with Makapu‘u Point Lighthouse as a logical natural boundary, which has traditionally been the geographic and political dividing line between the windward and leeward sides of the Ko‘olaus, and

WHEREAS the proposed reconfiguration splits Enchanted Lakes between Districts 50 and 51, diluting the voice of the Enchanted Lakes community, and

WHEREAS the proposed reconfiguration splits Hawai‘i Kai between Districts 51 and 17, diluting the voice of the Hawai‘i Kai community, and

WHEREAS the proposed reconfiguration could conceivably dilute the Native Hawaiian voice of Waimānalo by squeezing it between two disparate communities, and

WHEREAS the Neighborhood Board Chairs of Waimānalo, Kailua and Hawai‘i Kai share in support of eachothers efforts to oppose the proposed reconfiguration of House Districts 51 and 17,



NOW THEREFORE BE IT RESOLVED that the Reapportionment Commission Technical Group is urged to redo the proposed boundary configuration for House Districts 51 and 17, maintaining Makapu'u point as the natural geographical boundary between the two districts, leaving House District 51 largely intact as the population deviation is minimal, and extending the Ewa boundary for Hawai'i Kai beyond Kawaihae Street towards downtown to address the population deviation, and

BE IT FURTHER RESOLVED that copies of this resolution be delivered to the Reapportionment Commission, Office of State Representative Lisa Marten, Office of State Senator Chris Lee and the Office of City Council Member Esther Kia'āina.

A draft resolution was approved by the Hawaiian Affairs and Natural Resources Committee on Tuesday October 26, 2021 by vote of 5-0-0 and submitted to the Waimānalo Neighborhood Board for consideration at its Monday November 08, 2021 Regular Meeting.

This resolution was approved by the Waimānalo Neighborhood Board for consideration at its Monday November 08, 2021 Regular meeting unanimously, by a vote of 10-0-0.

Kimeona Kane, Chair Waimānalo Neighborhood Board

Kimeonakane@gmail.com

808 398 8989



MĀNOA NEIGHBORHOOD BOARD NO. 7

Dylan P. Armstrong, Chair ♦ Email: Dylan.P.Armstrong@gmail.com

MAKIKI/LOWER PUNCHBOWL/TANTALUS NEIGHBORHOOD BOARD NO. 10

Ian Ross, Chair ♦ Email: Ian.Ross.HI@gmail.com

c/o NEIGHBORHOOD COMMISSION ♦ 925 DILLINGHAM BOULEVARD, SUITE. 160 ♦ HONOLULU, HAWAII 96817
PHONE: (808) 768-3710 ♦ FAX: (808) 768-3711 ♦ INTERNET: <https://www.honolulu.gov/nco>

January 5, 2022

Dr. Mark Mugiishi, Chair
Reapportionment Commission
% Mr. Scott Nago, Chief Election Officer
Office of Elections
802 Lehua Avenue
Pearl City, Hawai'i 96782

**Subject: Joint Mānoa Neighborhood Board No. 7 and Makiki/Lower Punchbowl/Tantalus
Neighborhood Board No. 10
Opposition to Proposed Reapportionment Plan and Support for Alternative Plan**

Aloha Chair Mugiishi, and Reapportionment Commissioners,

The Mānoa Neighborhood Board No. 7 and Makiki/Lower Punchbowl/Tantalus Neighborhood Board No. 10 each reviewed the 2021 House and Senate redistricting plans that were adopted by the Commission.

Two of our Neighborhood Boards had unanimously adopted Resolutions opposed to the previously proposed reapportionment plan. These Boards simultaneously supported an alternative plan that would respect both Makapu'u Point as a natural boundary between Windward O'ahu and East Honolulu and Ka'ena Point between the North Shore and Leeward O'ahu. The proposed redistricting plan mixes Windward O'ahu and East Honolulu communities within House District 51, thereby diluting the voice of the Enchanted Lake community as well as the Hawai'i Kai Portlock community, and negatively impacts the Native Hawaiian voice by squeezing the Waimānalo area between two dissimilar communities and replacing Enchanted Lake with Portlock which has a lower Hawaiian percentage.

Proposed House District 51 is not compact, in its original form it was barely contiguous, and unnecessarily divides the Hawai'i Kai and Enchanted Lake communities. The same rationale also applies to Senate District 25 (Windward O'ahu) and Senate District 9 (East Honolulu) where Senate District 25 unnecessarily mixes Windward O'ahu and East Honolulu communities.

An alternative redistricting plan (known as the "Hicks Plan") that uses both Makapu'u Point and Ka'ena Point as natural boundaries for House and Senate districts demonstrates that it is possible to keep more communities intact, reduce the population deviation between districts, and in particular, not mix Windward Oahu and East Honolulu communities within a legislative district. On December 18, 2021 the Reapportionment Commission posted a final proposed plan that changed the boundaries of 30 of the 35 O'ahu House districts. These maps are time stamped as being last modified at 10:38 on December 17, 2021, meaning they were finalized before the O'ahu Advisory Council, which is chartered by the Hawai'i Constitution to serve in an advisory capacity to the Reapportionment Commission, had conducted a quorum meeting and provided its recommendations which include using Makapu'u Point as a boundary. The significant Hawai'i Kai, Waimānalo, and Kailua issues with the Reapportionment Commission's original plan approved on October 28, 2021 for public review were made even worse with the final plan! Hawai'i Kai is split even more. Please look at the following maps and ask which is better?

Mahalo nui loa for considering the Boards' testimony. Should you have any questions, please contact the Board Chairs by email.

Sincerely,



DYLAN P. ARMSTRONG
CHAIR, MĀNOA
NEIGHBORHOOD BOARD NO. 7



IAN ROSS
CHAIR, MAKIKI/LOWER PUNCHBOWL/
TANTALUS NEIGHBORHOOD BOARD NO. 10

Attached: Mānoa Neighborhood Board No. 7 adopted resolution "Requesting The State Of Hawai'i Reapportionment Commission To Redraw The Boundaries Of T.G. House District 20, So That It Includes All Of The Residents Of Mānoa Valley."



MĀNOA NEIGHBORHOOD BOARD NO. 7

c/o NEIGHBORHOOD COMMISSION ♦ 925 DILLINGHAM BLVD., STE. 160 ♦ HONOLULU, HAWAII 96817
PHONE: (808) 768-3710 ♦ FAX: (808) 768-3711 ♦ INTERNET: <https://www.honolulu.gov/nco>

REQUESTING THE STATE OF HAWAII REAPPORTIONMENT COMMISSION TO REDRAW THE BOUNDARIES OF TG HOUSE DISTRICT 20, SO THAT IT INCLUDES ALL OF THE RESIDENTS OF MĀNOA VALLEY

WHEREAS Hawai'i state law directs the State of Hawai'i Reapportionment Commission ("Commission") to redraw, if needed, district boundaries in response to changes in population identified by the decennial United States Census in order to ensure that citizens are equally represented; and

WHEREAS a "district" is the geographical area whose residents are represented by one member of the Hawai'i State Legislature; and

WHEREAS Hawai'i Revised Statutes, section 25-2(b) lists the criteria by which the Commission will be guided in redrawing the boundaries, and among the criteria are these: "(3) Insofar as practicable, districts shall be compact" and "(4) Where possible, district lines shall follow permanent and easily recognized features such as streets, streams, and clear geographical features"; and

WHEREAS the current boundaries of House District (HD) 23 preserve the integrity of the residents of Mānoa Valley to be part of one legislative district, with the small exception of residents who live on the slopes of Round Top west of Mānoa Road until 'Ale'o Pl. and then west of Ferdinand until 'Awapuhi St.; and

WHEREAS the boundaries of the proposed Technical Group (TG) House District 20 has a western boundary that runs along University Ave. as it goes past the University of Hawai'i at Mānoa Campus and then makes a right turn along East Mānoa Rd. and makes a left turn at Lowrey Ave., thus excluding from the TG District 20 all those living east and south of those boundaries, those residents constituting roughly one third of the residents of Mānoa Valley, and instead placing them in TG House District 24; and

WHEREAS to substitute for the loss of residents in the former HD 23, the boundaries move east as far as Koko Head Ave. in Kaimukī in one prong and to Monsarrat Ave. on the slopes of Diamond Head, up to, but not including, Kap'iolani Community College in the other prong; and

WHEREAS therefore, the boundaries of the proposed TG House District 20 neither make it compact nor follow clear geographical features; and

WHEREAS twenty-two residents of Mānoa, with only 48-hours' notice, testified in opposition to the Technical Group's proposed District boundaries; and

WHEREAS for the second meeting of the Reapportionment Commission (October 28, 2021), fifty-one Mānoa residents submitted testimony in opposition to the Technical Group's boundaries; and

WHEREAS several of these testifiers cited Mānoa Valley’s historical status as one ahupua’a, one watershed; and

WHEREAS the Board of Mālama Mānoa, a community organization representing 4,103 residents of Mānoa Valley, voted unanimously to oppose dividing up Mānoa Valley into TG House Districts 20 and 24; and

WHEREAS the nonpartisan watchdog group Common Cause pointed to the TG House District 20 as a “suspect” district; and

WHEREAS the reapportionment plan of Bill Hicks, Chair of the Kailua Neighborhood Board, contains a House District 23 that includes all of the residents of Mānoa Valley and thus demonstrates that such boundaries can feasibly be drawn within a reapportionment scheme for O’ahu as a whole; now therefore,

BE IT RESOLVED that the Mānoa Neighborhood Board no. 7 requests that the State of Hawai‘i Reapportionment Commission respect the geographical and political integrity of Mānoa Valley by redrawing the district boundaries to include all of Mānoa residents within one House District; and

BE IT FURTHER RESOLVED that the Mānoa Neighborhood Board no. 7 supports and endorses the “Hicks Plan” that has been recently presented to the Reapportionment Commission and recommends its consideration for keeping compact, contiguous, and cohesive communities intact, including Mānoa House District 23, Lanikai/Enchanted Lake/Waimānalo HD 51, and Hawai‘i Kai HD 17, while achieving a better population balance than the Commission’s Technical Group’s proposal; and

BE IT FURTHER RESOLVED that copies of this resolution be transmitted to the State of Hawai‘i Reapportionment Commission, the Senate President, the Speaker of the House, Senator Brian Taniguchi, Representative Dale Kobayashi, and Councilmember Calvin Say.

Elton T. Fukumoto
Vice Chair
Elton Fukumoto, Vice Chair
Mānoa Neighborhood Board No. 7

**This Letter Was Adopted Without Opposition by the Mānoa Neighborhood Board No. 7,
in its Regular Meeting on Wednesday, November 2, 2021.**



RESOLUTION CONCERNING THE REAPPORTIONMENT OF HOUSE AND SENATE DISTRICTS

WHEREAS Hawai'i state law directs the State of Hawai'i Reapportionment Commission ("Commission") to redraw, if needed, district boundaries in response to changes in population identified by the decennial United States Census in order to ensure that residents are equally represented; and

WHEREAS a "district" is the geographical area whose residents are represented by one member of the Hawaii State Legislature; and

WHEREAS HRS, section 25-2(b) lists the criteria by which the Commission will be guided in redrawing the boundaries, and among the criteria are these: "(3) In so far as practicable, districts shall be compact" and "(4) Where possible, district lines shall follow permanent and easily recognized features such as streets, streams, and clear geographical features"; and

WHEREAS, the maps as proposed by the Commission are wildly divergent in some areas on Oahu and include new districts that do not consistently adhere to the criteria as laid out in HRS 25-2(b), some new districts appear to be well below the resident number goal, while others are well above; and

WHEREAS, several news stories, commentaries, and testimonies from individuals, neighborhood board members, political science academics, and non-partisan government watchdog organizations have raised concerns about gerrymandering in the Kaimuki, Kapahulu, Diamond Head, and Waialae areas – with districts drawn in ways that appear to favor a person or political faction and/or to punish some incumbents; and

WHEREAS, it appears the Commission has radically under extracted non-resident military from the total population count, thus rendering the plan as proposed by the Commission is unconstitutional and may be subject to legal challenges, such as was the case in 2011, thereby threatening the timely completion of a legally acceptable plan; and

WHEREAS, the proposed House and Senate district boundaries include significant shortcomings, such as mixing East Oahu and Windward Oahu communities into single districts, dividing Mānoa Valley into two districts, dividing Mililani Town into multiple districts, and including a relatively high population deviation between districts of about 8%; and

WHEREAS, alternative redistricting plans currently shared with the Commission do a far better job of redrawing the maps in a way that meets the legal criteria, better retains historical communities, and do so without large differences in population between proposed districts; now therefore

BE IT RESOLVED that the Reapportionment Commission is strongly urged to use the alternative "Hicks Plan," or some other similarly devised plan, instead of the Commission's proposed plan as the baseline for developing legislative district boundaries; and

BE IT FURTHER RESOLVED that copies of this resolution be transmitted to the State of Hawai'i Reapportionment Commission, the Senate President, the Speaker of the House, Senator Les Ihara, Jr., Representative Jackson Sayama, and Councilmember Calvin Say.

The Palolo Neighborhood Board No.6 adopted this resolution at its Wednesday, December 8, 2021 regular Board meeting, by Unanimous Consent.

Joshua Frost, #6 Palolo Neighborhood Board Chair

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Kahaluu Neighborhood Board No. 29

SPECIAL MEETING MINUTES WEDNESDAY, DECEMBER 15, 2021 ZOOM, 7:00 P.M.

CALL TO ORDER: Chair Ka'ano'i Walk called the Kahalu'u Neighborhood Board No. 29 meeting to order at 7:00 p.m. Quorum established with (11) members present. Note – This 15-member Board requires eight (8) members to establish quorum and to take official Board action.

Members Present: Ka'ano'i Walk, Amy Luersen, John Reppun, Rick Towill, Clifford Loo, Jessie Maka'ina'i, Flora Obayashi, Ian Masterson, Dan Bender, Hi'iaka Jardine, and Ken LeVasseur.

Members Absent: Art Machado, Mailani Maka'ina'i, and Rocky Kaluhiwa.

Guests: Dr. Graham Knopp (GK Environmental); Representative Lisa Kitagawa; Chair Bill Hicks (Kailua Neighborhood Board #31); Chair Kimeona Kane (Waimānalo Neighborhood Board #32); Brandi Higa (Mayor Rick Blangiardi's Representative); Brenton Awa, -Peter Fields, Susan Burr, Ralph Kanoho Jr., Garnett Howard, John Ford (Residents); Partner Akiona (Neighborhood Assistant). Total Participants: 30

HK Construction Development on Wailehua Rd. (TMK 4-7-014: 051, 052, 055): Dr. Graham Knopp gave a presentation on the environmental assessment process, Special Management Area (SMA) boundaries, drainage improvements, wetlands designation(s), cesspool/septic tank usage, and his work regarding a water quality study done for the HK Development project on Wailehua Road.

Discussion followed: A lengthy discussion between Dr. Knopp, Board members, and community members regarding the information shared followed the presentation. Many Board members presented clarifying points, remarks, and wording to Dr. Knopp and information regarding his presentation.

Luersen MOVED, Obayashi SECONDED that given the significant concerns by the community raised regarding the cumulative impacts of the proposed project in Ka'alaea (TMKs 4-7-014:051,052 and 055) including but not limited to shoreline management area, wetlands, climate change, storm water management and control and wastewater control, Kahalu'u Neighborhood Board #29 OPPOSES this project moving forward. Further, KNB #29 urges the Department of Planning and Permitting to require a full EIS that includes: an updated Drainage Report that reflects updated reality of increased severe rainfall events due to climate change; alternatives to the proposed action; and full mitigation of environmental impacts. Discussion followed. The motion was ADOPTED by UNANIMOUS roll call vote of 11-0-0.

Legislative Redistricting on O'ahu: Chair Bill Hicks presented his reapportionment proposals for the State of Hawai'i Reapportionment Commission. Chair Kimeona Kane joined the presentation to explain his stance and that of the Waimānalo Neighborhood Board regarding the "Hicks Plan." A discussion commenced between Hicks, Kane, Board members, Representative Kitagawa, and community members to clarify any concerns, misunderstandings, and questions regarding the proposed plans.

LeVasseur MOVED, Obayashi SECONDED for the Kahalu'u Neighborhood Board #29 to oppose the State of Hawai'i Reapportionment Commission's proposed plan and SUPPORT the approach of the Hicks Plan for the House and the Senate that includes key concepts that uses Makapu'u Point as a boundary, minimizes population deviation and keeps communities together as much as possible. Discussion followed. The motion was ADOPTED by UNANIMOUS roll call vote of 11-0-0.

ADJOURNMENT: Chair Walk adjourned the meeting at 9:29pm.

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Submitted by: Partner Akiona, Neighborhood Assistant
Reviewed by: Lindon Valenciano, Neighborhood Assistant
Final Review by: Chair Walk, NB #29

Last Updated: 06 January 2022

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APPENDIX M

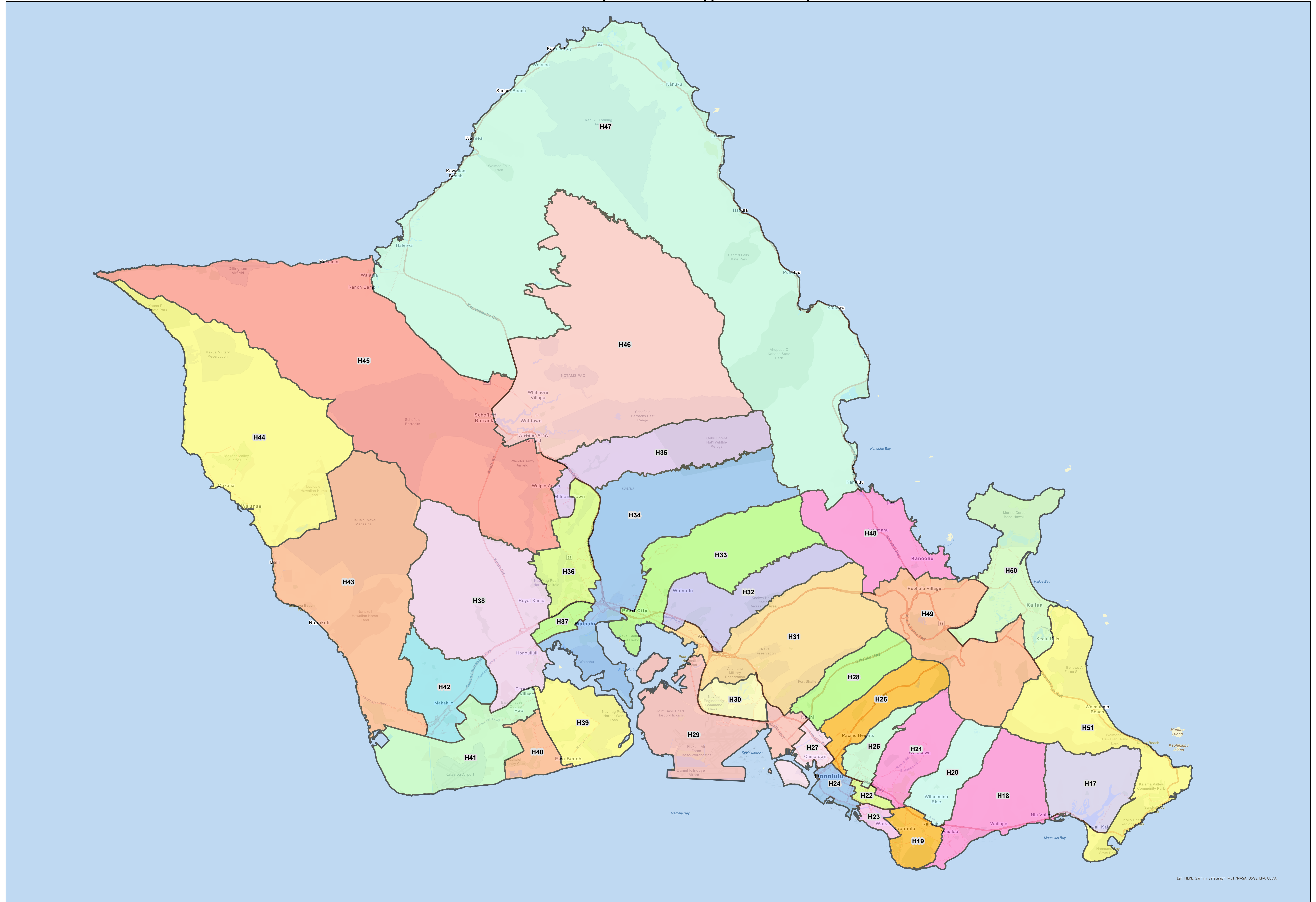
PROPOSED FINAL STATE HOUSE PLANS
BEFORE REVISIONS TO POPULATION BASE

Oahu Basic Island Unit

Proposed Final State House Plans

The Northwestern Hawaiian Islands (not shown on map) are included as part of House 51

Hawaii Reapportionment Commission 2021



Map created December 17, 2021 Additional information and maps, including online interactive maps, are available on the Commission website at: <https://elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/>

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APPENDIX N

NEW EXTRACTION DATA BASED ON UPDATED
MILITARY NON-PERMANENT RESIDENTS NUMBERS

Hawaii Population Base – using 12/31/2021 DMDC data

Hawaii Population Base using June 2, 2020 military dataset - as adopted

Federal Population Base 1,455,271 U.S. Census residents

Statewide extraction of 64,415 military non-permanent residents
Statewide extraction of 7,250 university non-permanent residents

Hawaii Population Base 1,383,606 Hawaii permanent residents
55,344 Statewide Senate ideal population
27,129 Statewide House ideal population
18,205 Statewide Senate+House ideal population

Federal Population Base by Basic Island Unit

Oahu	1,016,508
Hawaii	200,629
Maui	164,836
Kauai	73,298

Hawaii Population Base by Basic Island Unit

Oahu	945,909	using military extraction of	64,010
		and university extraction of	6,589
Hawaii	200,090	using military extraction of	40
		and university extraction of	499
Maui	164,610	using military extraction of	117
		and university extraction of	109
Kauai	72,997	using military extraction of	248
		and university extraction of	53

State Senate Seats and Ideal Population by Basic Island Unit

Oahu	17	target = 55,642
Hawaii	4	target = 50,023
Maui	3	target = 54,870
Kauai	1	target = 72,998

State House Seats and Ideal Population by Basic Island Unit

Oahu	35	target = 27,026
Hawaii	7	target = 28,584
Maui	6	target = 27,435
Kauai	3	target = 24,332

State Senate+House (in totality) Seats and Ideal Population by Basic Island Unit

Oahu	52	target = 18,190	% deviation = -0.08%
Hawaii	11	target = 18,190	% deviation = -0.08%
Maui	9	target = 18,290	% deviation = 0.47%
Kauai	4	target = 18,249	% deviation = 0.24%

maximum deviation = 0.47%
minimum deviation = -0.08%

overall (total) deviation = 0.55%

Hawaii Population Base using December 31, 2021 military dataset - all rows

Federal Population Base 1,455,271 U.S. Census residents

Statewide extraction of 99,967 military non-permanent residents
Statewide extraction of 7,250 university non-permanent residents

Hawaii Population Base 1,348,054 Hawaii permanent residents
53,922 Statewide Senate ideal population
26,432 Statewide House ideal population
17,737 Statewide Senate+House ideal population

Federal Population Base by Basic Island Unit

Oahu	1,016,508
Hawaii	200,629
Maui	164,836
Kauai	73,298

Hawaii Population Base by Basic Island Unit

Oahu	910,521	using military extraction of	99,398
		and university extraction of	6,589
Hawaii	199,990	using military extraction of	140
		and university extraction of	499
Maui	164,539	using military extraction of	188
		and university extraction of	109
Kauai	73,004	using military extraction of	241
		and university extraction of	53

State Senate Seats and Ideal Population by Basic Island Unit

Oahu	17	target = 53,560
Hawaii	4	target = 49,998
Maui	3	target = 54,846
Kauai	1	target = 73,004

State House Seats and Ideal Population by Basic Island Unit

Oahu	34	target = 26,780
Hawaii	8	target = 24,999
Maui	6	target = 27,423
Kauai	3	target = 24,335

State Senate+House (in totality) Seats and Ideal Population by Basic Island Unit

Oahu	51	target = 17,853	% deviation = 0.65%
Hawaii	12	target = 16,665	% deviation = -6.04%
Maui	9	target = 18,282	% deviation = 3.07%
Kauai	4	target = 18,251	% deviation = 2.89%

maximum deviation = 3.07%
minimum deviation = -6.04%

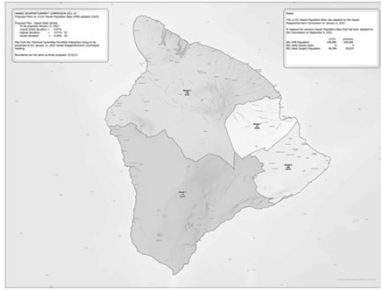
overall (total) deviation = 9.11%

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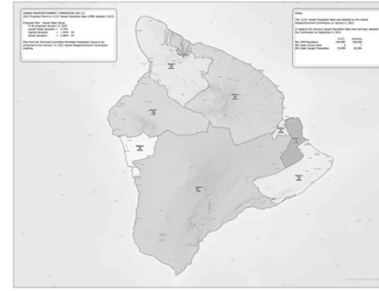
APPENDIX O

CHANGES TO LEGISLATIVE DISTRICTS BASED ON
REVISED POPULATION BASE

Technical Group Proposed Legislative Districts



Hawaii Senate
no change



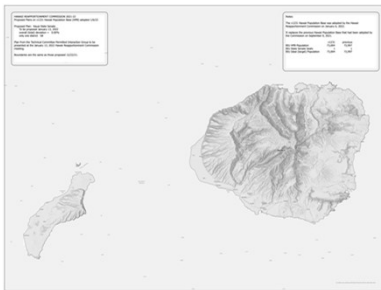
Hawaii House
new proposed
← 4.74%



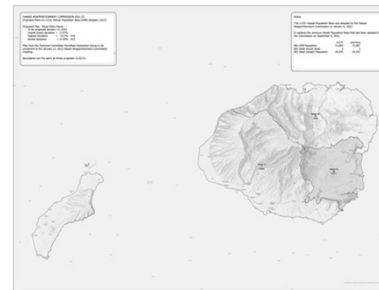
Maui Senate
no change



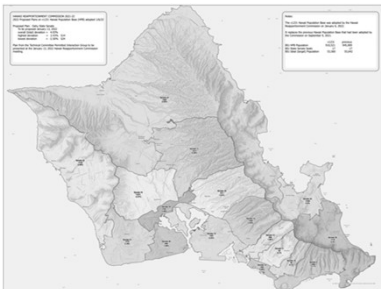
Maui House
no change



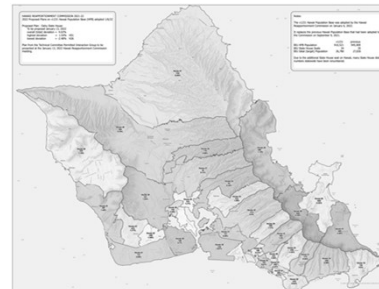
Kauai Senate
no change



Kauai House
no change



Oahu Senate
new proposed
← 4.93%



Oahu House
new proposed
← 4.02%

Electronically Filed
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APPENDIX P

LEGISLATIVE AND CONGRESSIONAL DISTRICTS
OVERLAP ANALYSIS

Technical Committee's "Alignment" of Oahu House Districts Within a Single Senate District as Practicable

House District	Senate District(s)	House District	Senate District(s)	House District	Senate District(s)
18	9, 25	30	14, 15	41	20, 21, 22
19	9, 10	31	15	42	19, 20, 21
20	10, 11	32	14, 15, 16	43	21
21	10	33	16	44	21, 22
22	10, 11	34	15, 16, 19	45	22
23	10, 11, 12	35	15, 18, 19	46	17, 18, 23
24	10, 12	36	18, 19	47	23
25	11, 12, 13	37	17, 18	48	23, 24
26	11, 13	38	17, 18	49	23, 24, 25
27	11, 13, 14	39	18, 19, 20, 21	50	24, 25
28	12, 13, 14, 15	40	20	51	25
29	14				

Senate District	House Districts	Senate District	House Districts	Senate District	House Districts
9	18, 19, 20	15	28, 30, 31, 32, 34, 35	21	39, 41, 42, 43, 44
10	19, 20, 21, 22, 23, 24	16	32, 33, 34	22	41, 44, 45
11	22, 23, 25, 26, 27	17	37, 38, 46	23	46, 47, 48, 49
12	23, 24, 25, 28	18	35, 36, 37, 38, 39, 46	24	48, 49, 50
13	25, 26, 27, 28	19	34, 35, 36, 39, 42	25	18, 49, 50, 51
14	27, 28, 29, 30, 32	20	39, 40, 41, 42		

Aligned Oahu Senate Plan With All Oahu House Districts Within a Single Senate District

House District	Senate District(s)	House District	Senate District(s)	House District	Senate District(s)
18	9	30	16	41	20
19	9	31	16	42	21
20	10	32	14	43	21
21	10	33	14	44	22
22	11	34	17	45	22
23	12	35	17	46	23
24	12	36	19	47	23
25	15	37	18	48	24
26	11	38	18	49	24
27	13	39	19	50	25
28	15	40	20	51	25
29	13				

Senate District	House Districts	Senate District	House Districts	Senate District	House Districts
9	18, 19	15	25, 28	21	42, 43
10	20, 21	16	30, 31	22	44, 45
11	22, 26	17	34, 35	23	46, 47
12	23, 24	18	37, 38	24	48, 49
13	27, 29	19	36, 39	25	50, 51
14	32, 33	20	40, 41		

TC's Big Island "Alignment" of House Districts Within a Single Senate District

House District	Senate District(s)	Senate District	House Districts
1	1, 4	1	1, 2, 3, 5
2	1	2	3, 4, 5
3	1, 2	3	4, 5, 6, 7
4	2, 3	4	1, 5, 7, 8

5	1, 2, 3, 4
6	3
7	3, 4
8	4

Boyea Plan Big Island Alignment of House Districts Within a Single Senate District

House District	Senate District(s)	Senate District	House Districts
1	1	1	1, 2
2	1	2	3, 4
3	2	3	5, 6
4	2	4	7, 8
5	3		
6	3		
7	4		
8	4		

TC's Maui County "Alignment" of House Districts Within a Single Senate District

House District	Senate District(s)	Senate District	House Districts
9	5, 6	5	9, 10, 11, 14
10	5, 6	6	9, 10, 11, 12, 14
11	5, 6	7	12, 13
12	6, 7		
13	7		
14	5, 6		

Aligned Maui Senate Plan With House Districts Within a Single Senate District

House District	Senate District(s)	Senate District	House Districts
9	5	5	9, 10
10	5	6	11, 14
11	6	7	12, 13
12	7		
13	7		
14	6		

2012 Maui County Alignment of House Districts Within a Single Senate District

House District	Senate District(s)	Senate District	House Districts
8	5	5	8, 9
9	5	6	10, 11
10	6	7	12, 13
11	6		
12	7		
13	7		

TC's FINAL Legislative Districts That Overlap Both Congressional Districts

House District	Senate District
39	17
41	18
43	21
46	23
	25

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APPENDIX Q

LEGISLATIVE DISTRICT CHANGES PROPOSED BY
TECHNICAL COMMITTEE PIG ON JANUARY 26, 2022

Technical Group Proposed Legislative Districts



Oahu House 48/49
as proposed 1/13/22

Oahu House 48/49
as proposed 1/26/22



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APPENDIX R

WILLIAM M. HICKS PRESENTATION ON
THE HICKS PLAN

Using the Technical Committee's Oahu House Map to Create Aligned Senate & Congressional Districts

Bill Hicks

January 16, 2022

Aligned Oahu Senate Plan & Aligned Oahu Congressional Plan Complies With All Constitutional and HRS Requirements

01/20/2022 Meeting Materials

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Constitution Article IV Section 6:

- “...the average number of permanent residents in each district is as nearly equal to the average for the basic island unit as practicable.” YES - Total Deviation 3.73% (Tech Committee Plan 4.93%)
- “...districts shall be contiguous.” YES
- “...districts shall be compact.” YES
- “...district lines shall follow permanent and easily recognized features, such as streets, streams and clear geographical features...” YES – incl. Makapu’u Point (Tech Committee Plan does not for SD 25)
- “...representative districts shall be wholly included within senatorial districts.” YES – ALL of them (Tech Committee Plan only 9 House Districts are; 2 HDs cross 4 SDs, 10 cross 3 SDs, and 13 cross 2 SDs)
- “...submergence of an area in a larger district wherein substantially different socio-economic interests predominate shall be avoided.” YES

Hawaii Revised Statutes Chapter 25 Section 2:

- “...state legislative districts shall be wholly included within congressional districts” YES – ALL House and 16 of 17 Senate with the Aligned Oahu Congressional Plan aligned with House Districts (Technical Committee plans have 6 House & 5 Senate Districts that cross the CD1/CD2 boundary)

Methodology

Start with the Technical Committee's 34 Oahu House Districts first as they were likely constructed with better granularity.

“...representative districts shall be wholly included within senatorial districts”.

- Approach: Join 2 House Districts to form 1 Senate District. There will be greater synergy with every representative only needing to coordinate with one Senator (the Technical Committee's plan was up to 4 Senators) and every Senator only needing to coordinate with 2 Representatives (the Technical Committee's plan was up to 6 Representatives). **(Accomplished with Aligned Senate Plan)**

“...state legislative districts shall be wholly included within congressional districts.”

- Placing 25 Oahu HDs within CD1 and 9 Oahu HDs within CD2 achieves acceptable population deviation <1%.
- Approach: Place 25 HDs wholly within CD 1 and 9 HDs wholly within CD 2. **(Accomplished with Aligned Congressional Plan;** note that all HDs & 16 of 17 SDs are wholly within one CD but one SD must straddle the line. The Technical Committee's plan had 6 House and 5 Senate Districts cross CD lines on Oahu.)

Value of Aligning House and Senate Maps

- Reapportionment Commission Chair Mugiishi might even agree with the concept of using Aligned House and Senate Districts from his comments made on December 22, 2021. The context was House District 51, but it is universally applicable. He said “If you have a district that has synergy between the representative getting elected by the same constituency as the senator, you have a much better chance of effecting meaningful change for your community. And so I’m trying to understand why people would object to aligning their Senate map and their House map? I would think that would be a wonderful thing to do.”

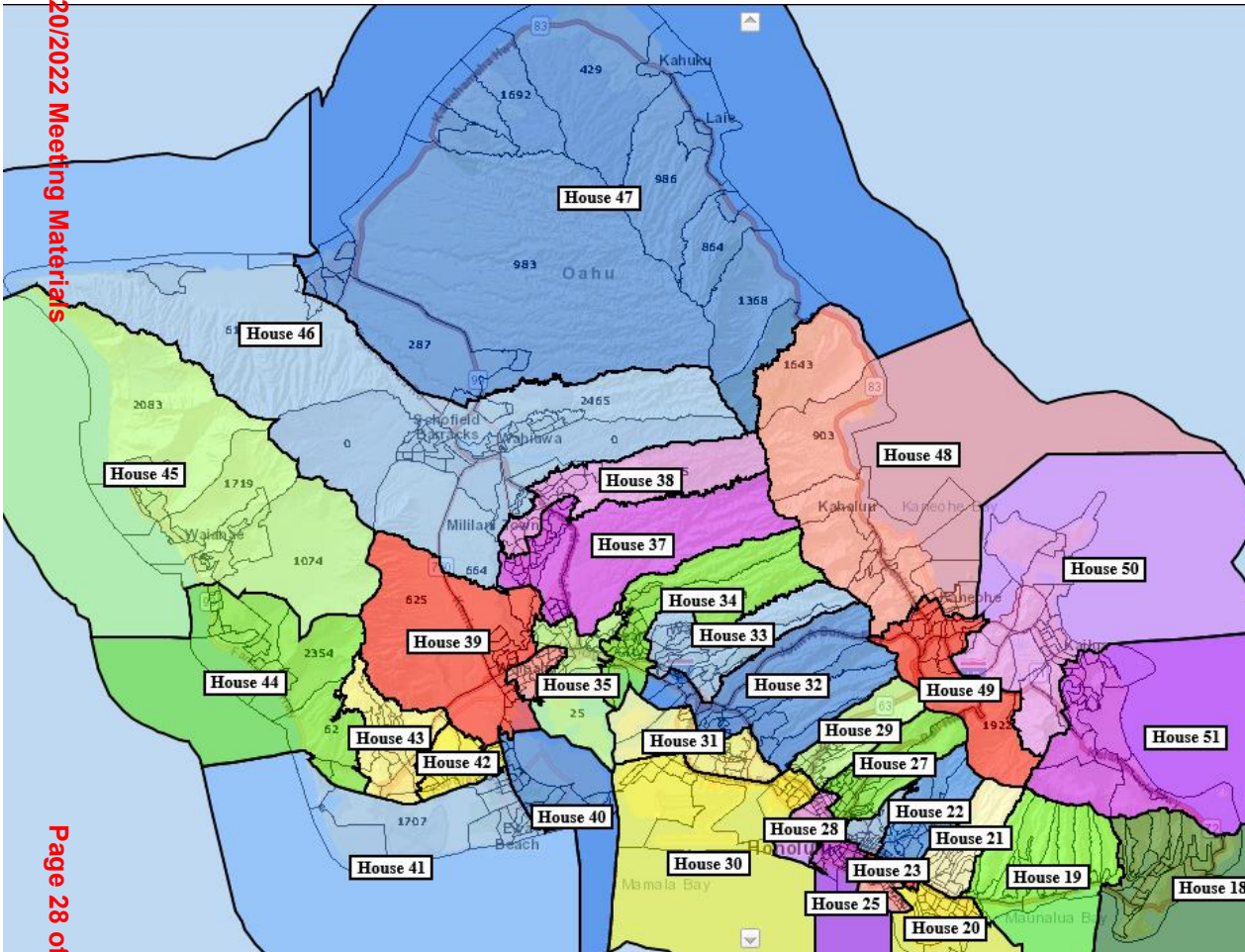
Which is Better?

Technical Committee's "Alignment" of House Districts Within a Single Senate District as Practicable							
Senate District	House Districts		Senate District	House Districts		Senate District	House Districts
9	18, 19, 20		15	28, 30, 31, 32, 34, 35		21	39, 41, 42, 43, 44
10	19, 20, 21, 22, 23, 24		16	32, 33, 34		22	41, 44, 45
11	22, 23, 25, 26, 27		17	37, 38, 46		23	46, 47, 48, 49
12	23, 24, 25, 28		18	35, 36, 37, 38, 39, 46		24	48, 49, 50
13	25, 26, 27, 28		19	34, 35, 36, 39, 42		25	18, 49, 50, 51
14	27, 28, 29, 30, 32		20	39, 40, 41, 42			
Aligned Senate Plan's Alignment of House Districts Within a Single Senate District							
Senate District	House Districts		Senate District	House Districts		Senate District	House Districts
9	18, 19		15	25, 28		21	42, 43
10	20, 21		16	30, 31		22	44, 45
11	22, 26		17	34, 35		23	46, 47
12	23, 24		18	37, 38		24	48, 49
13	27, 29		19	36, 39		25	50, 51
14	32, 33		20	40, 41			

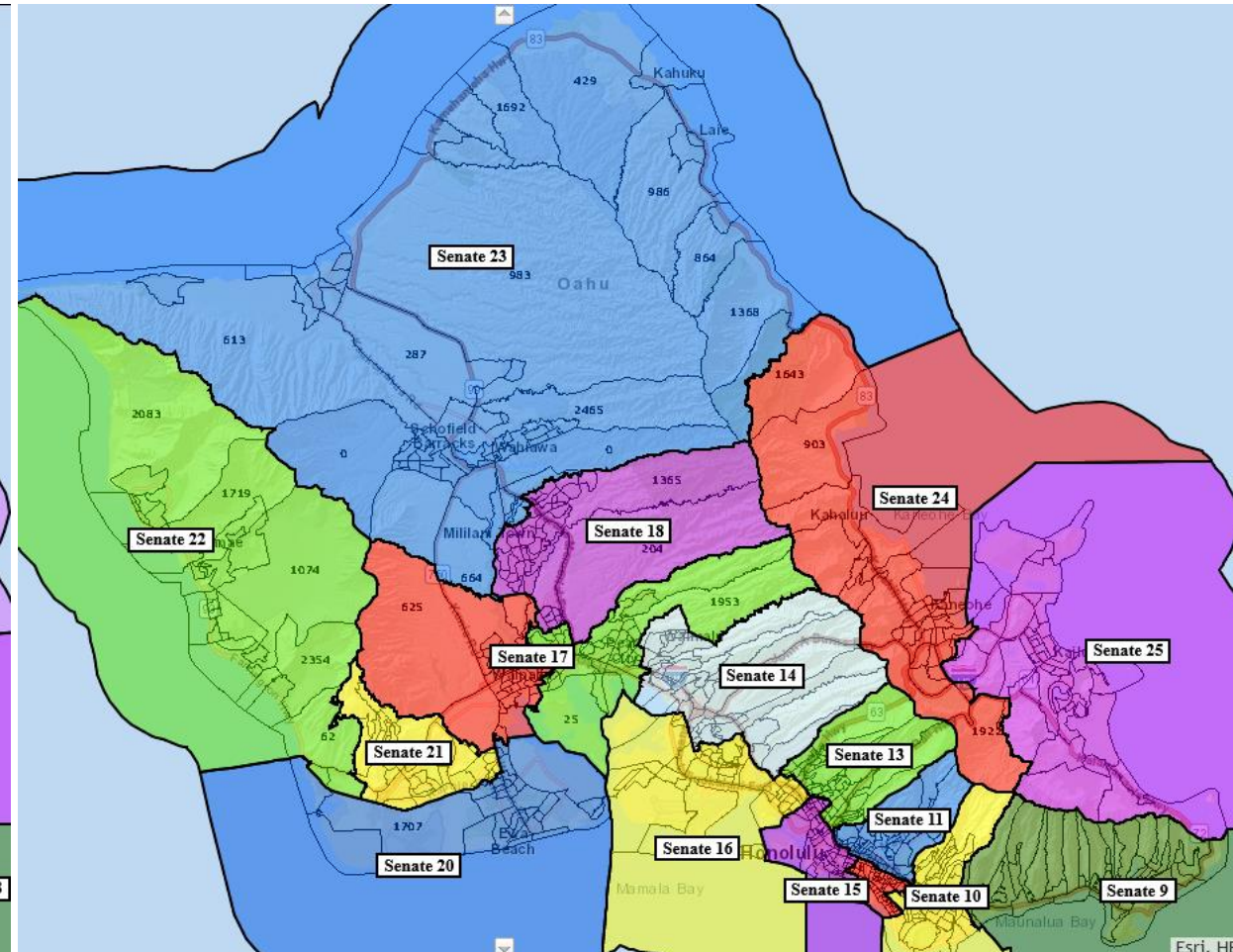
Each Senate District Consists of Exactly 2 House Districts

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34 House Districts (Technical Committee)



17 Aligned Senate Districts

Aligned Senate Plan (w/Technical Committee House Map)

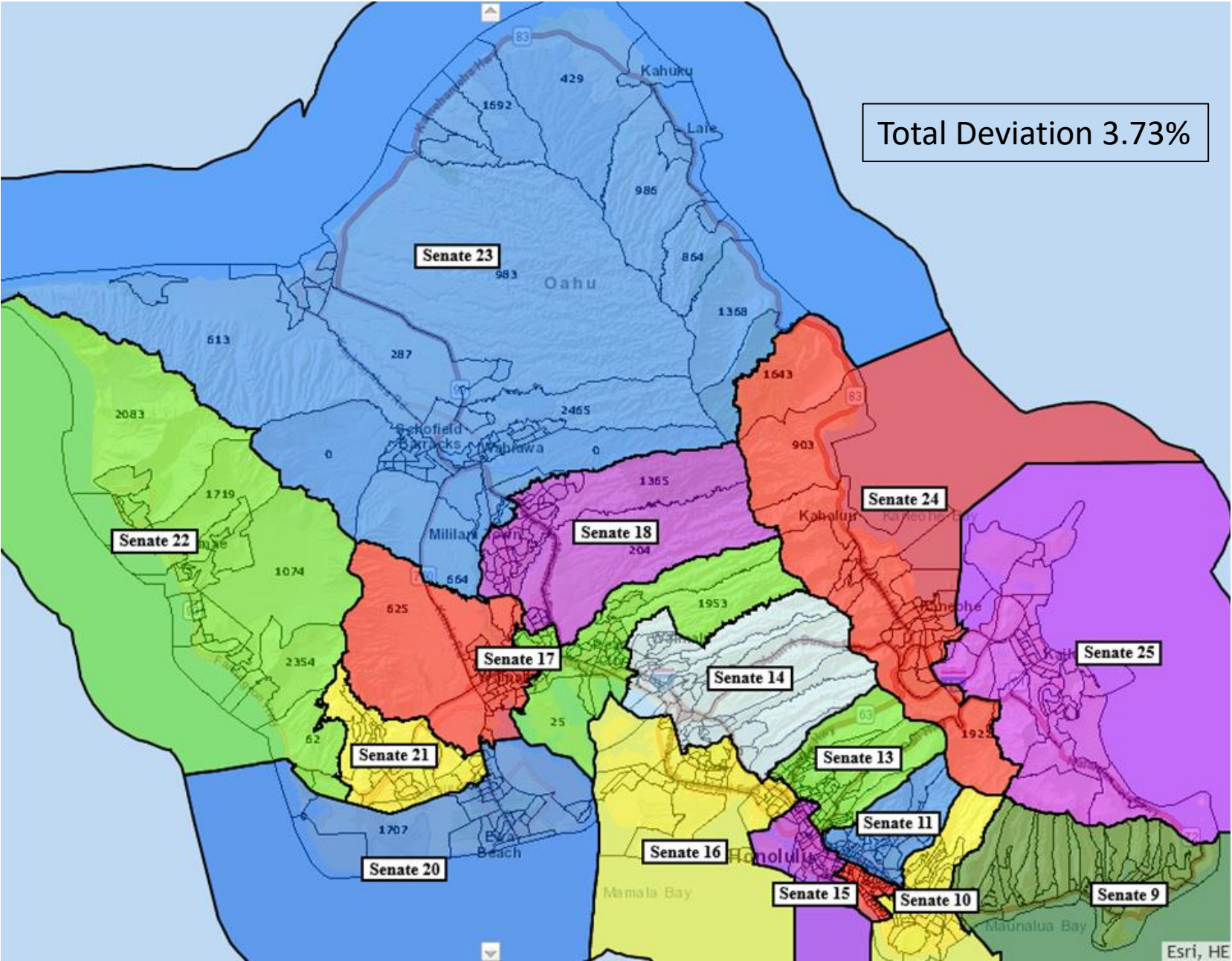
“...representative districts shall be wholly included within senatorial districts”

Hawaii Constitution Article IV Section 6

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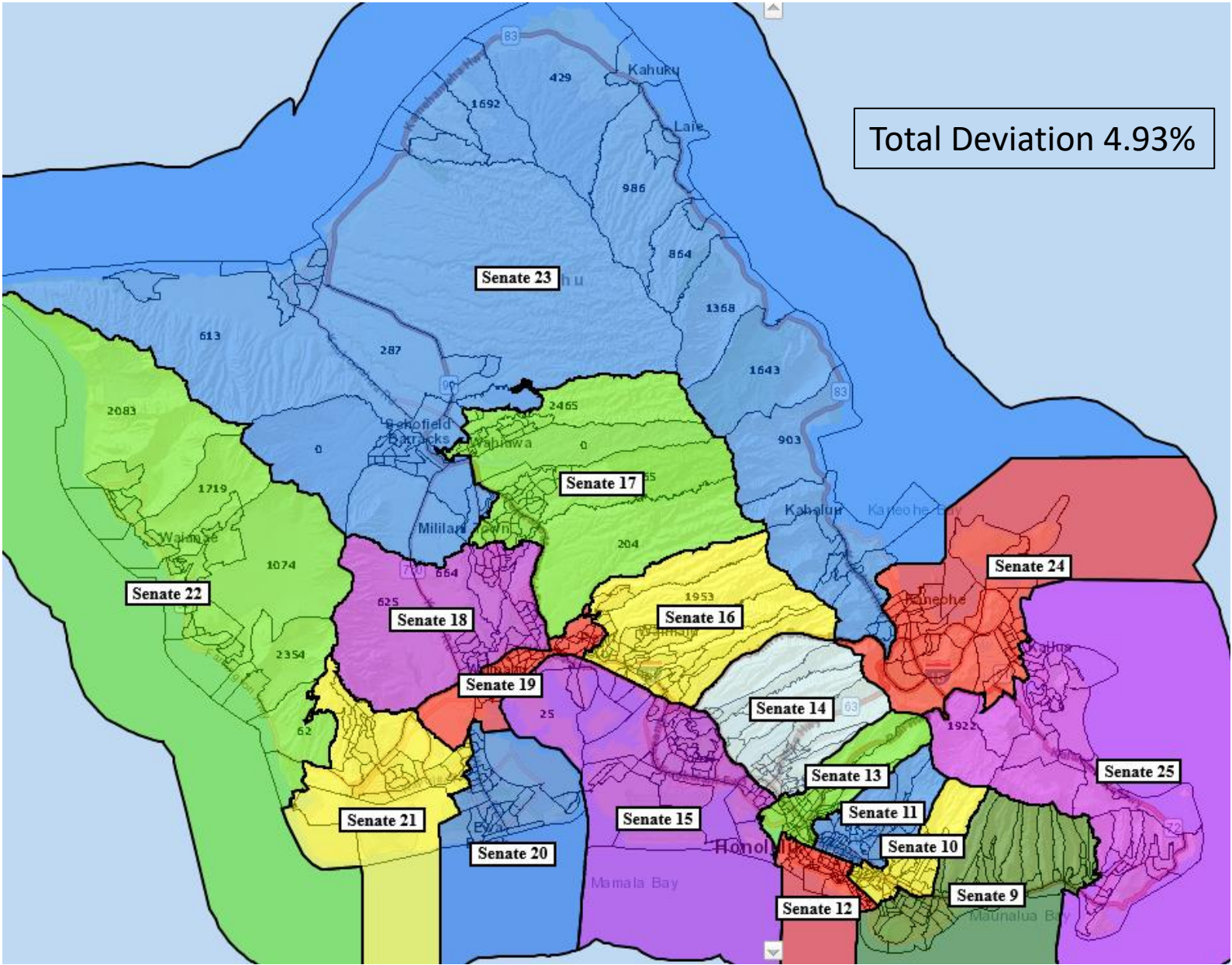
- Aligned Plan: **ALL** 34 House Districts are contained within 1 Senate District
 - Uses Technical Committee’s House Plan & forms Senate Districts from 2 House Districts
- Technical Committee’s Senate Plan:
 - **Only 9 House Districts are contained within 1 Senate District**
 - 13 House Districts are contained within **2 Senate Districts**
 - 10 House Districts are contained within **3 Senate Districts**
 - 2 House Districts are contained within **4 Senate Districts**
 - **No Senate District contains only 2 House Districts; there could’ve been 17 of these**
 - 3 Senate Districts each cross 6 House Districts; another 4 cross 5; and 5 cross 4
 - Even on Maui (3 Senate/6 House) and the Big Island (4 Senate/8 House) no Senate District contains only 2 House Districts

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Aligned Senate Plan w/TC's House Map

SD	Deviation	%
9	- 132	-0.25%
10	- 391	-0.73%
11	84	0.16%
12	- 146	-0.27%
13	699	1.31%
14	158	0.29%
15	343	0.64%
16	347	0.65%
17	404	0.75%
18	204	0.38%
19	461	0.86%
20	319	0.60%
21	- 762	-1.42%
22	712	1.33%
23	80	0.15%
24	-1096	-2.05%
25	-1283	-2.40%



Technical Committee Plan

SD	Deviation	%
9	- 590	-1.10%
10	55	0.10%
11	53	0.10%
12	258	0.48%
13	998	1.86%
14	1302	2.43%
15	1197	2.23%
16	811	1.51%
17	-1211	-2.26%
18	-1271	-2.37%
19	1104	2.06%
20	848	1.58%
21	1172	2.19%
22	-1122	-2.09%
23	-1087	-2.03%
24	-1340	-2.50%
25	-1176	-2.20%

Technical Committee’s Oahu Senate Plan

Oahu Senate Differences

Aligned Plan

Technical Committee

Total Deviation

3.73%

4.93%

Makapu'u Point

Yes

No

HD w/i 1 SD

Yes

No

HD w/i 1 CD

Yes

No

East Honolulu: Aligned uses Makapu'u Point; TC doesn't

Downtown

Central Oahu

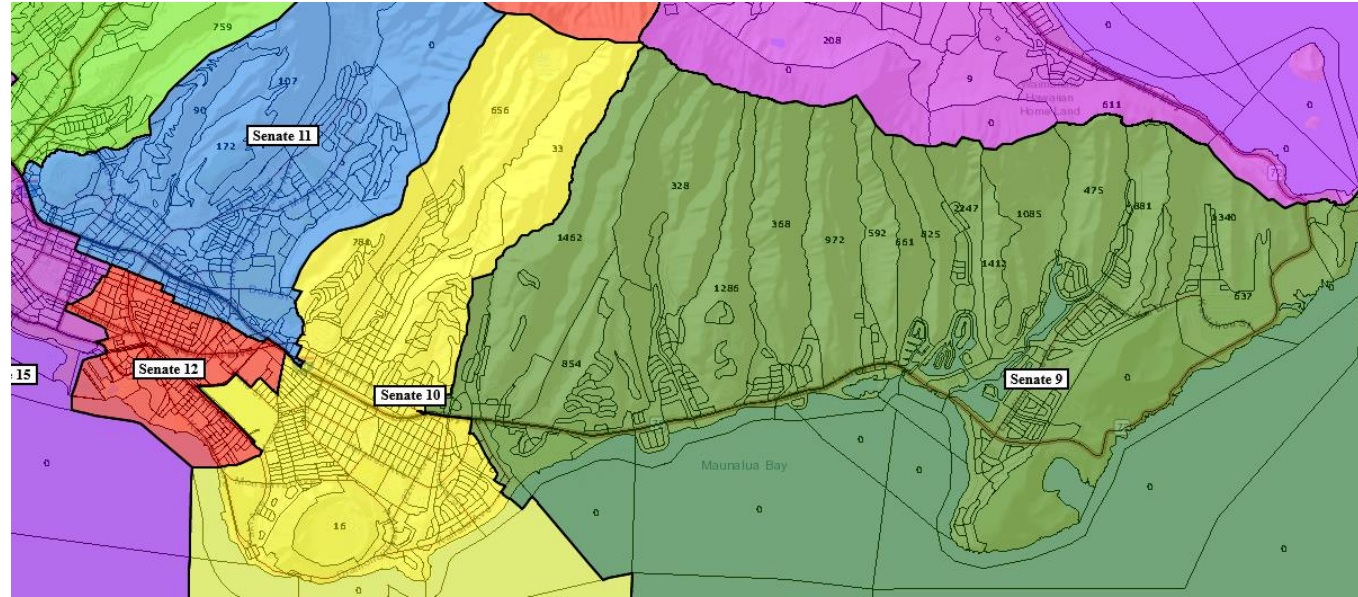
Leeward Oahu

North Shore

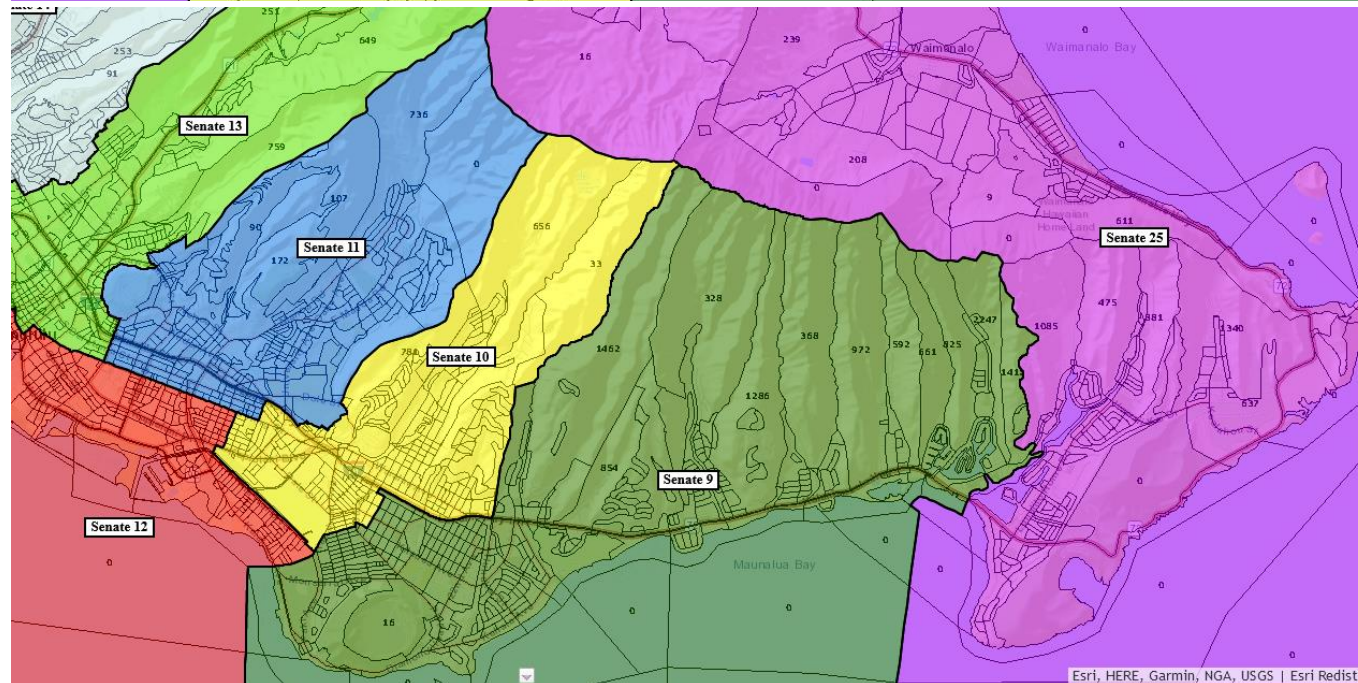
Windward Oahu: Aligned uses Makapu'u Point; TC doesn't

East Honolulu Overview

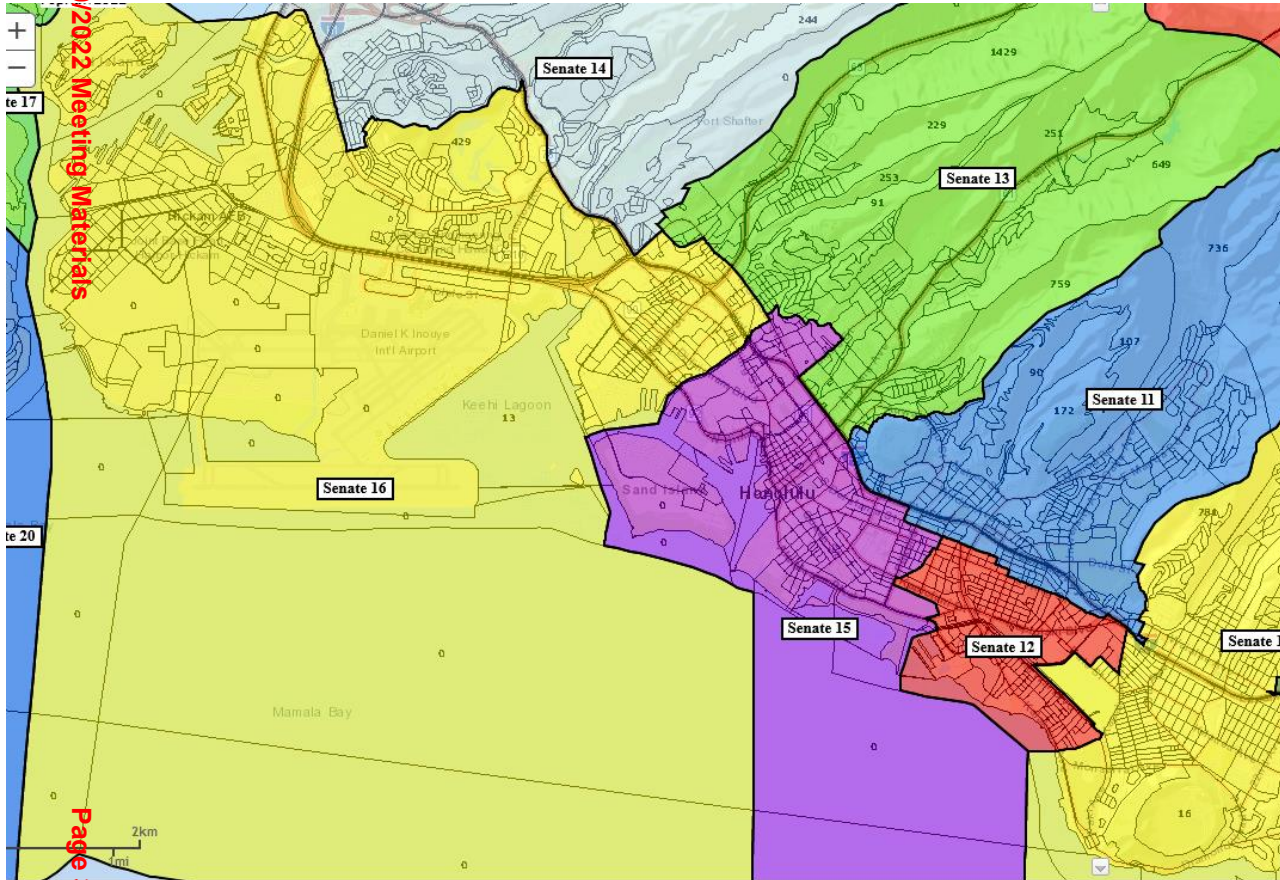
Aligned Plan
(w/TC House Map)



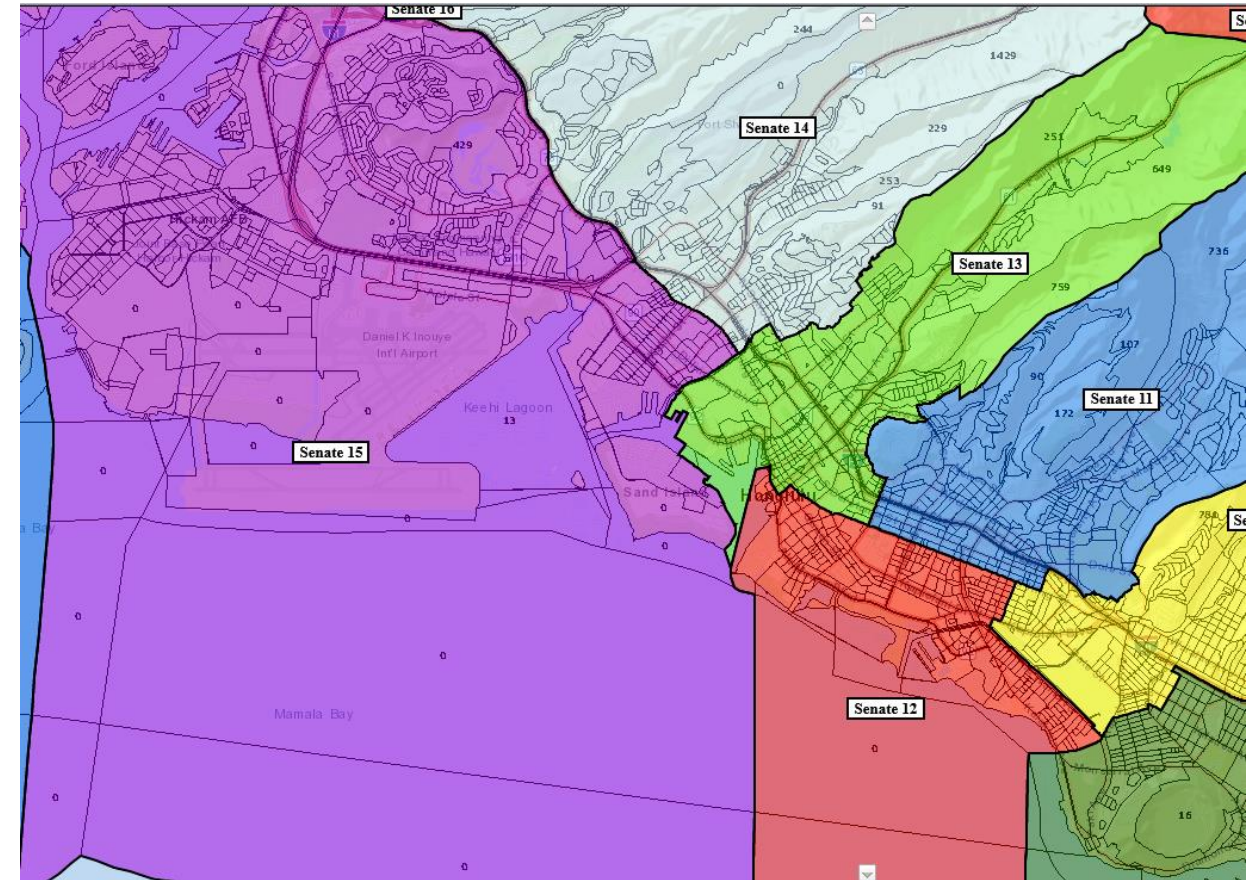
Technical
Committee Plan



Downtown Overview



Aligned Plan (w/TC House Map)

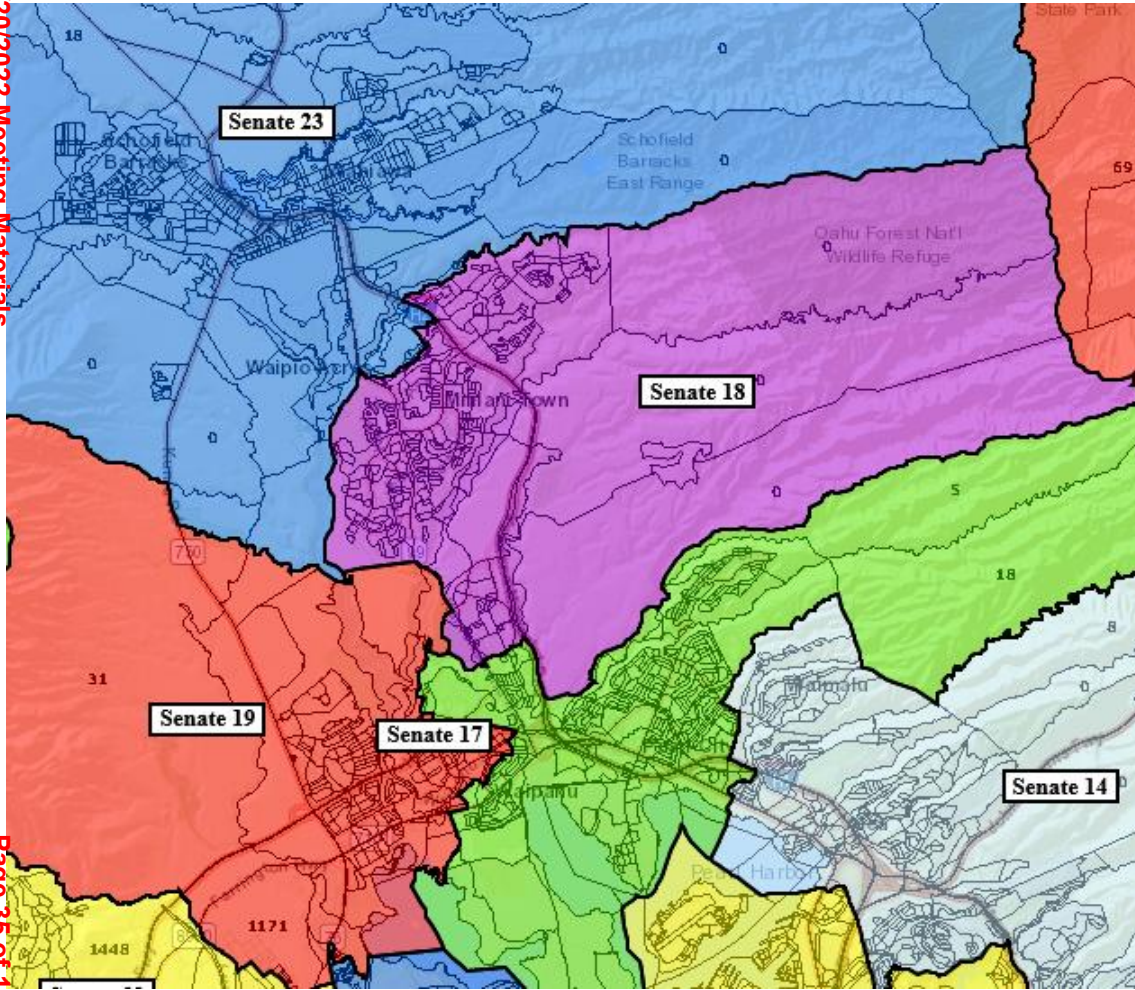


Technical Committee Plan

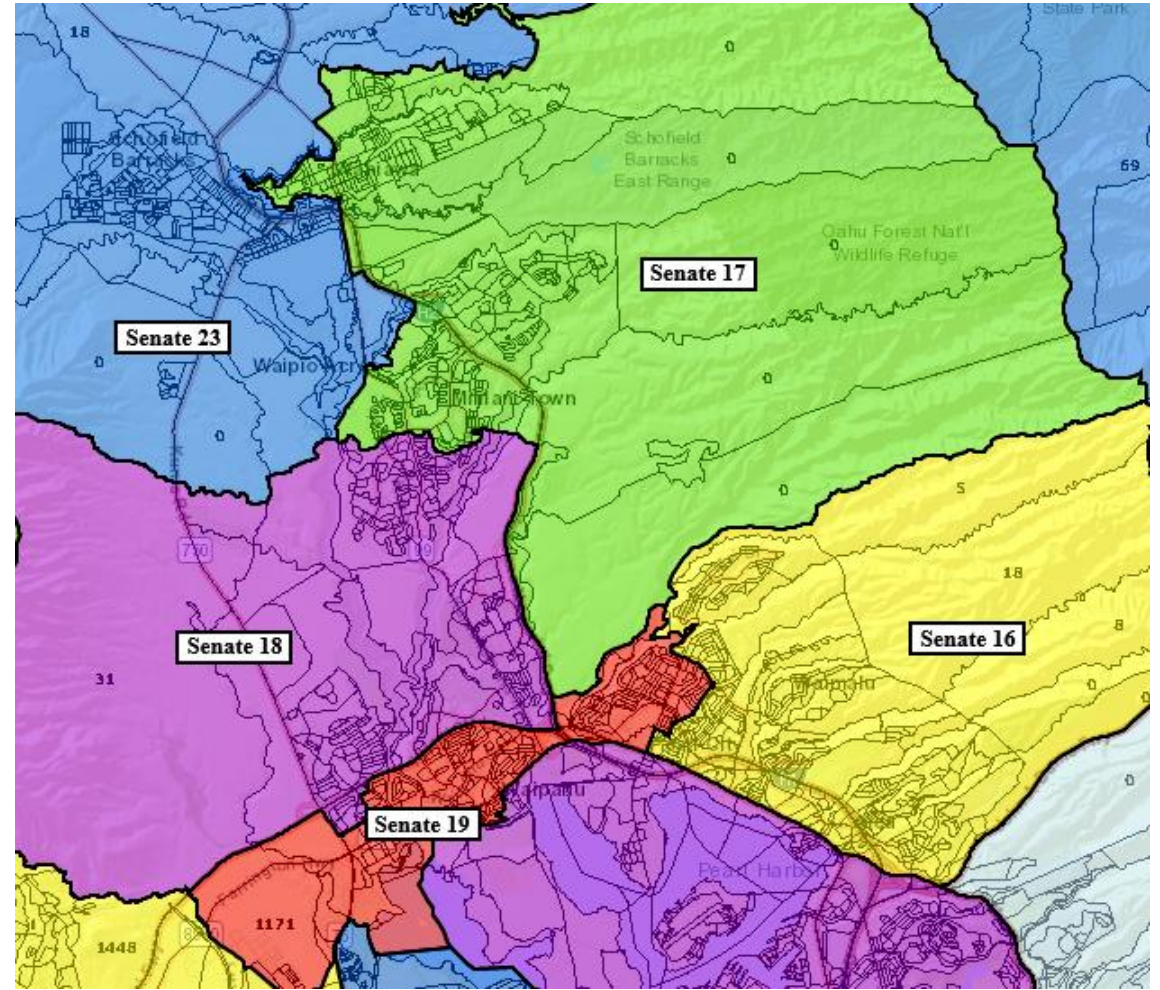
Central Oahu Overview

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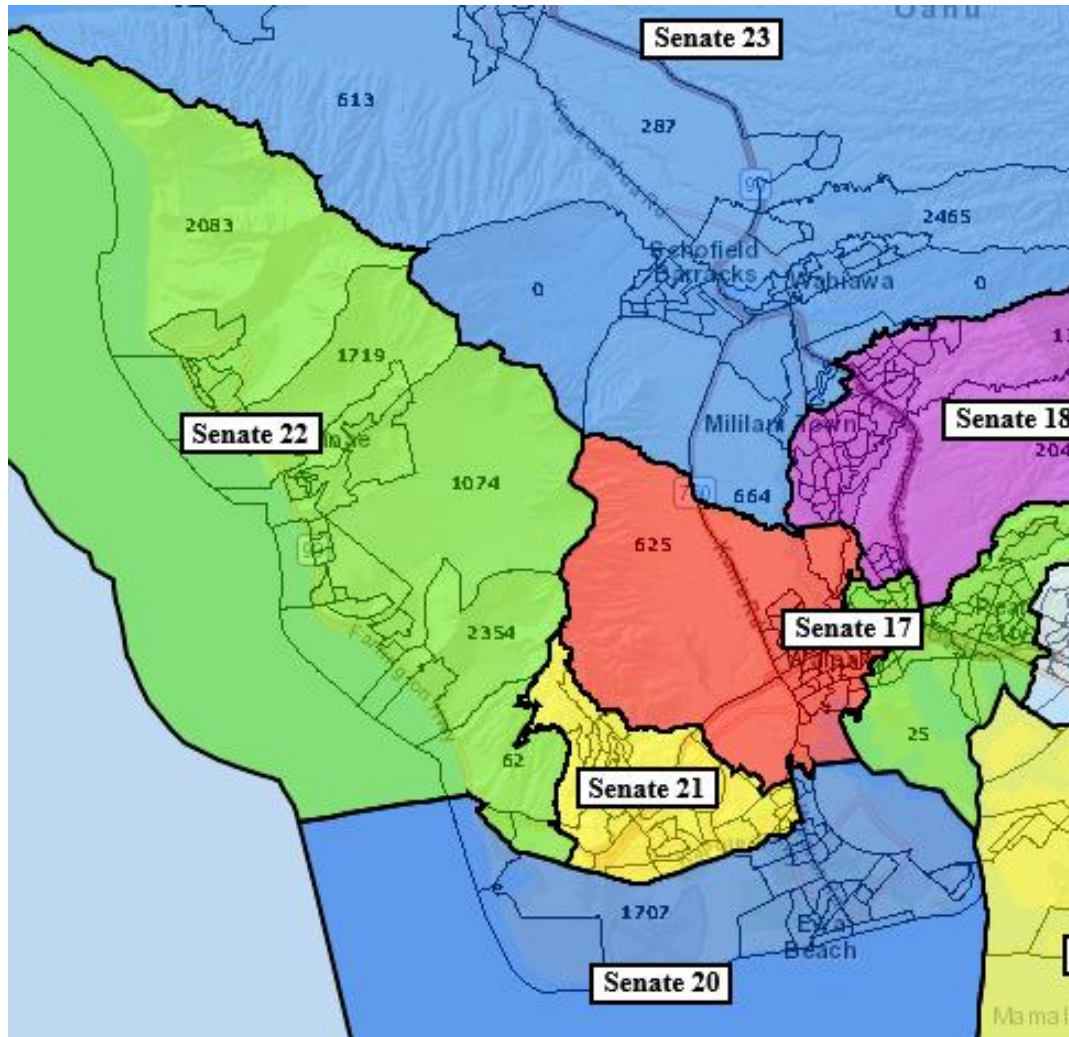


Aligned Plan (w/TC House Map)

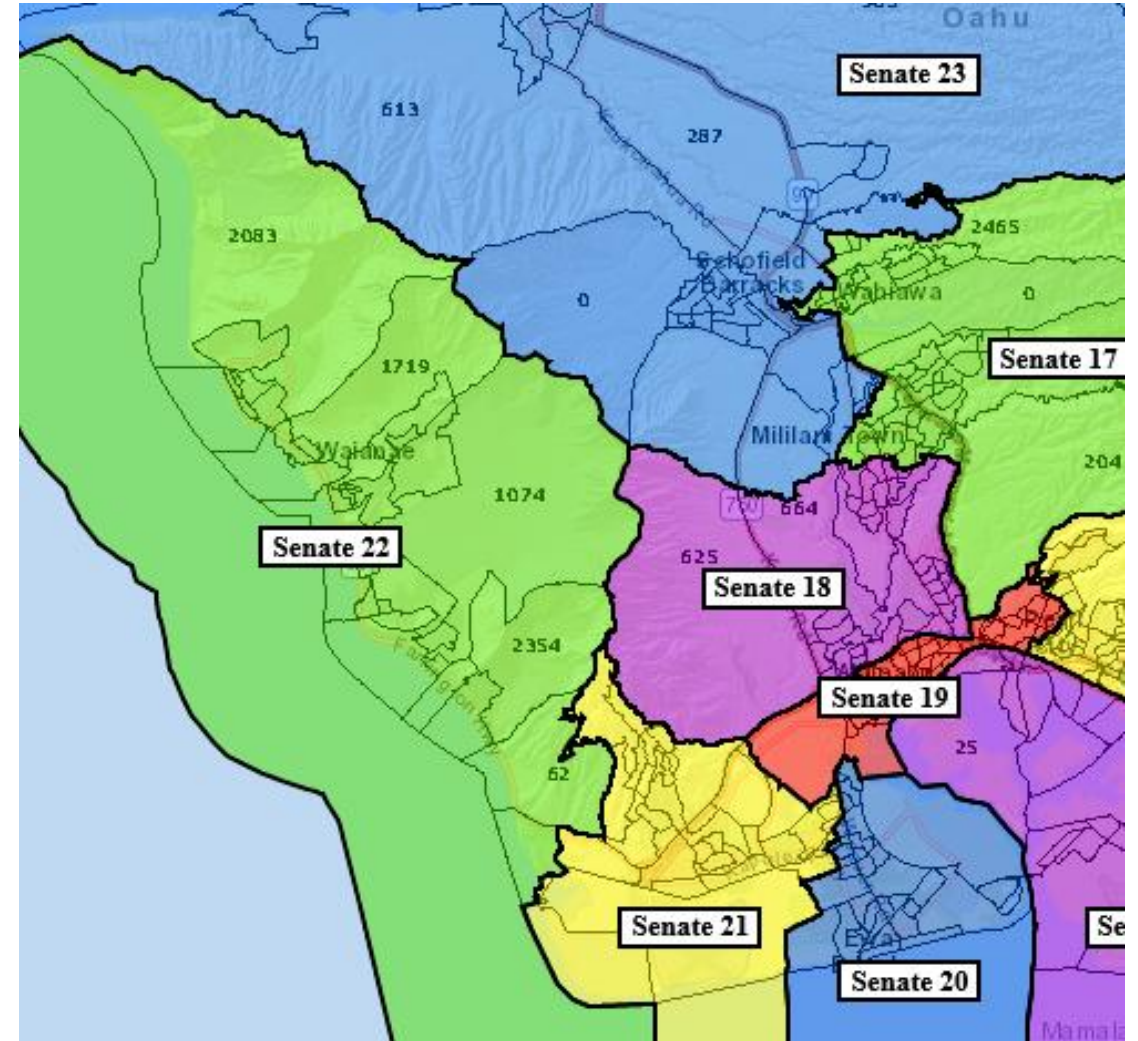


Technical Committee Plan

Leeward Oahu Overview



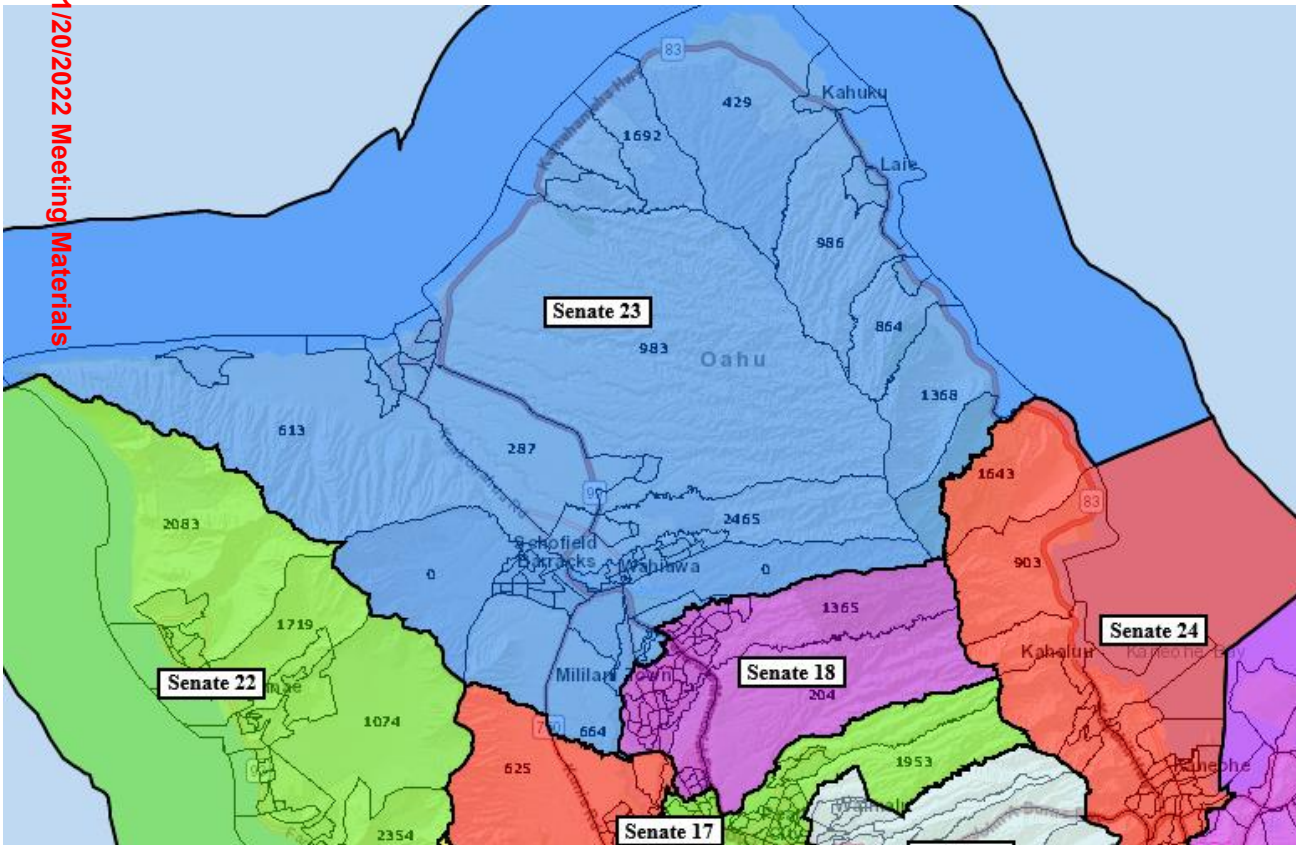
Aligned Plan (w/TC House Map)



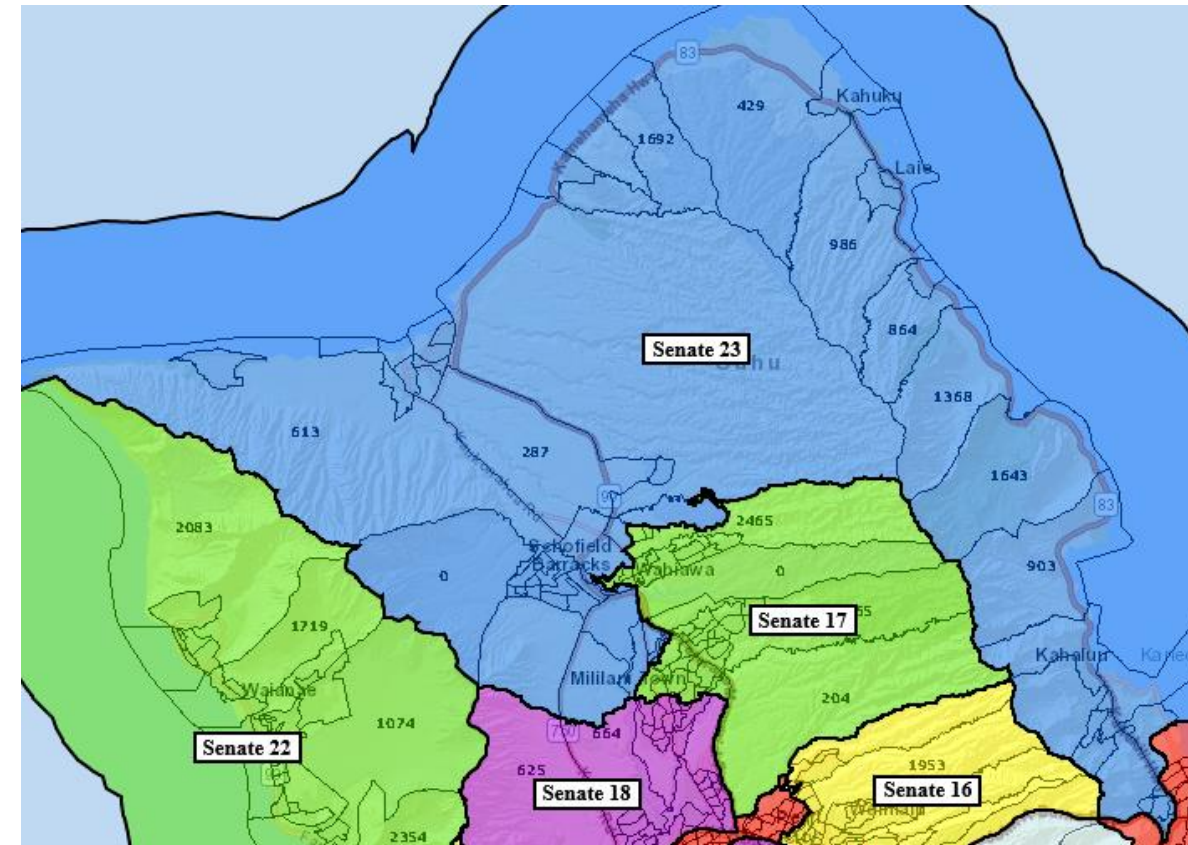
Technical Committee Plan

North Shore Overview

01/20/2022 Meeting Materials



Aligned Plan (w/TC House Map)

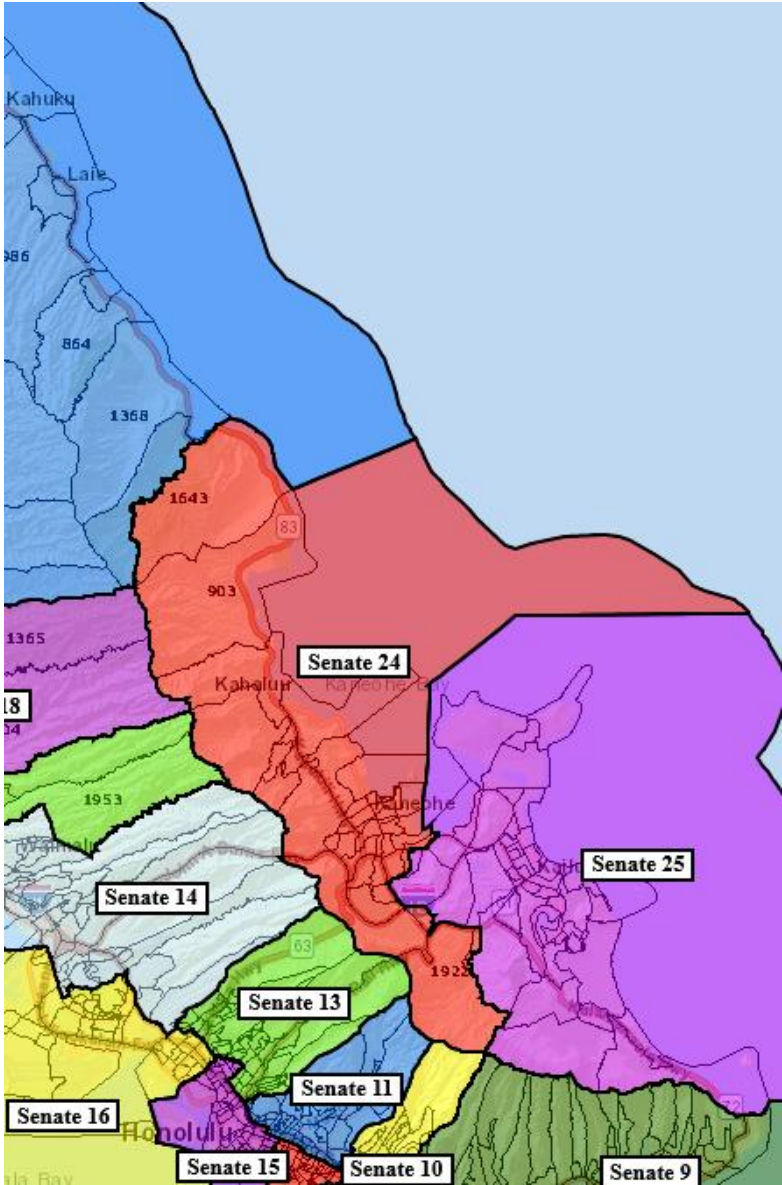


Technical Committee Plan

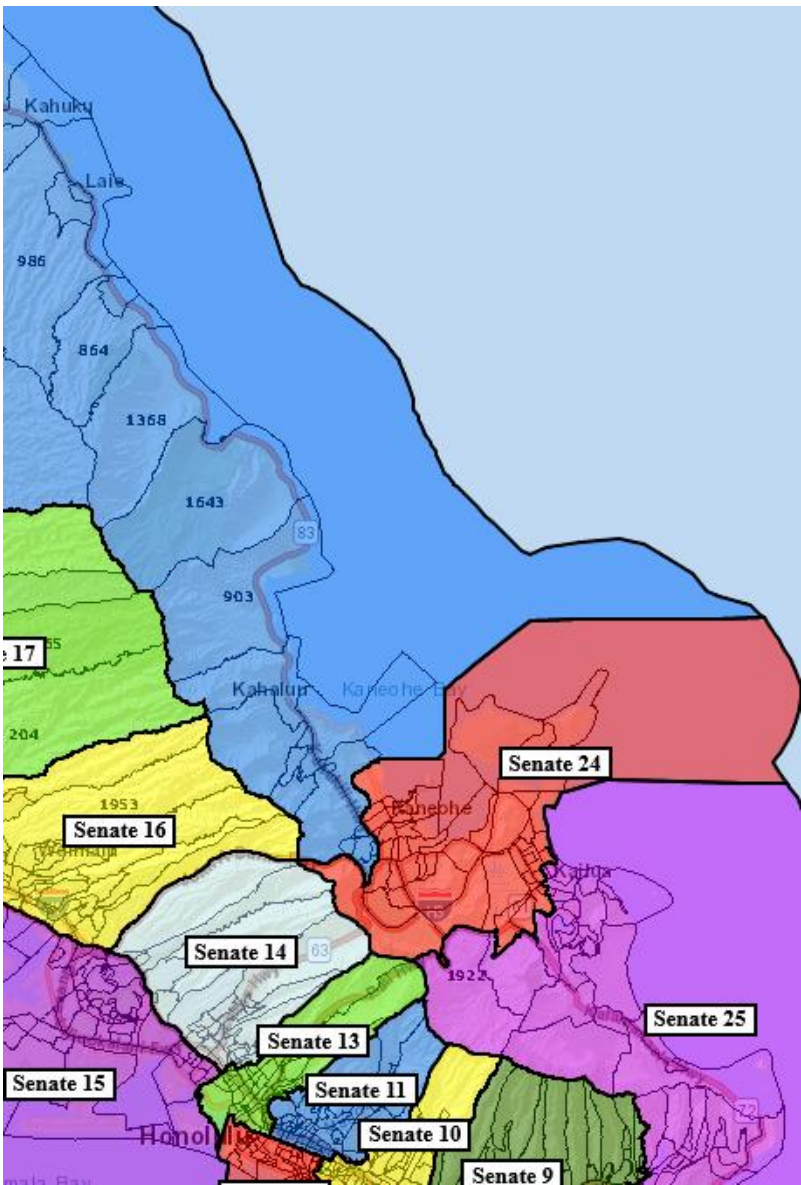
Windward Oahu Overview

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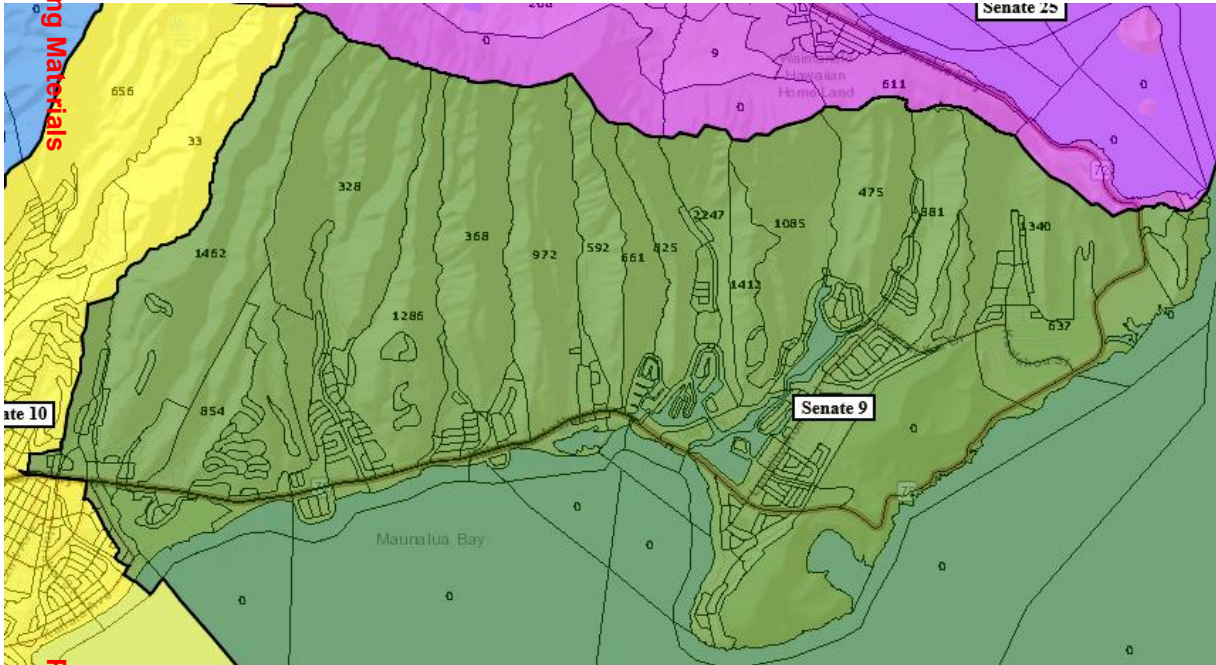
Aligned Plan (w/TC House Map)



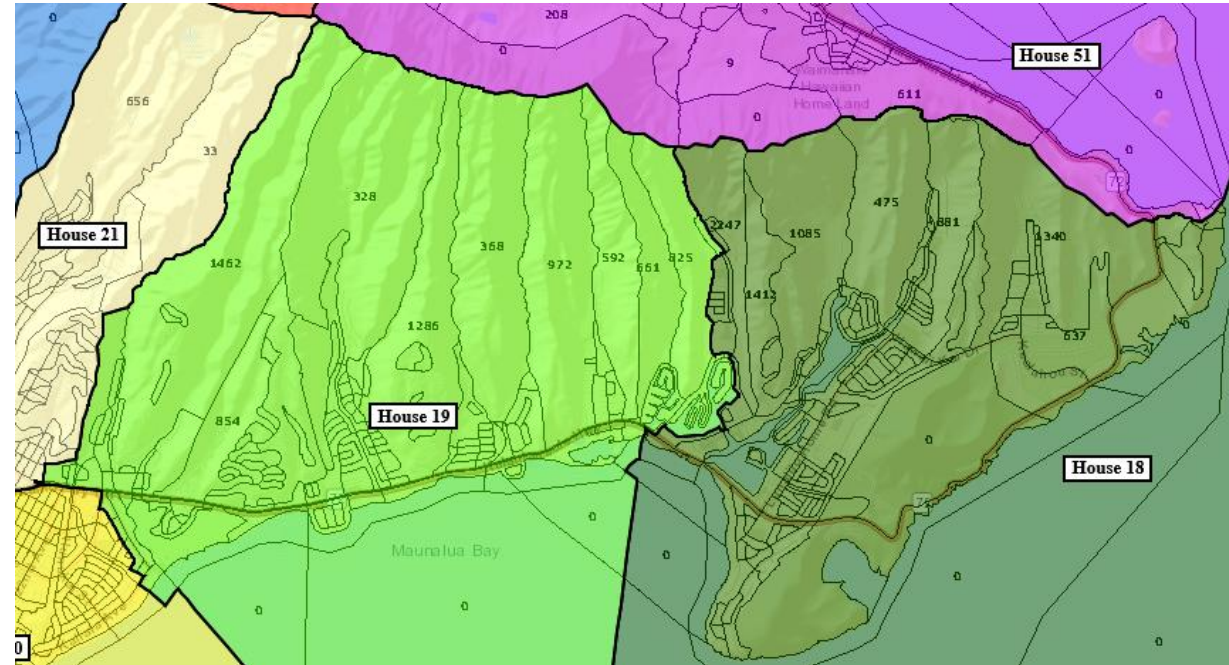
Technical Committee Plan

Senate District 9

Exactly Aligned with TCs House Districts 18 & 19



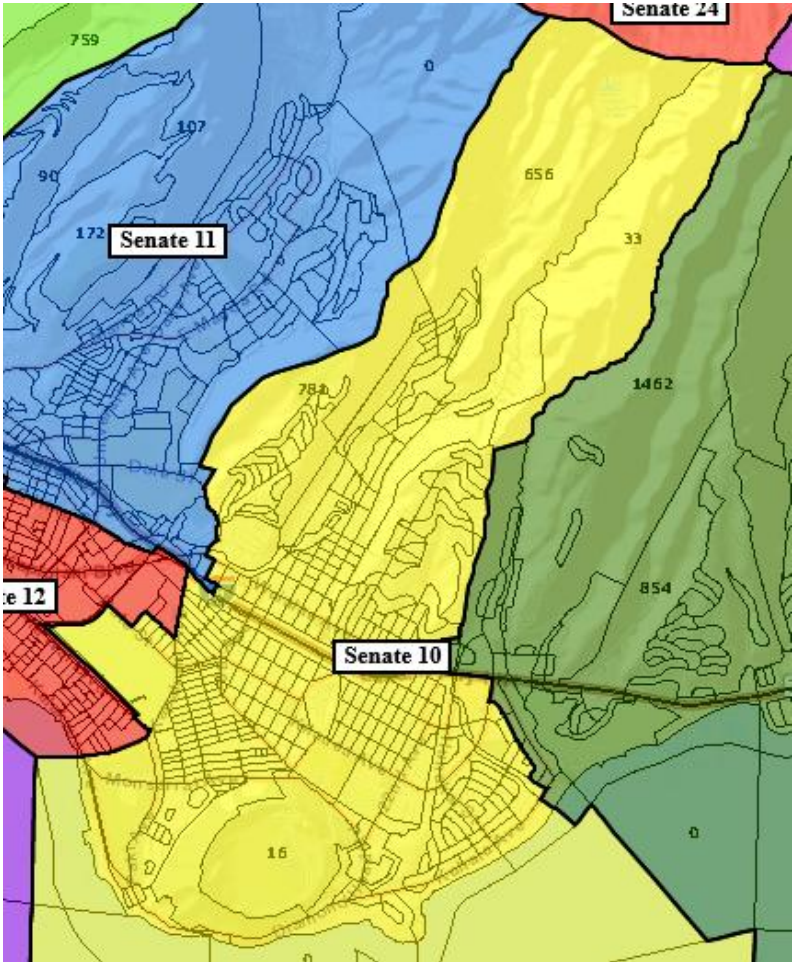
Aligned Senate Plan



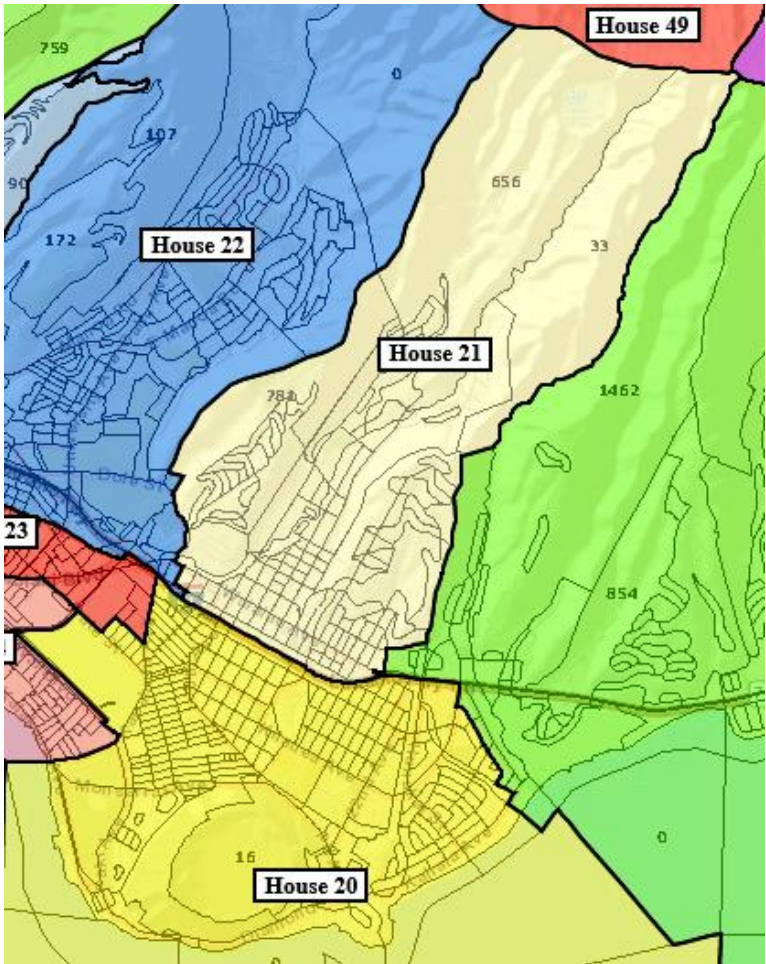
Technical Committee's House Map

Senate District 10

Exactly Aligned with TCs House Districts 20 & 21



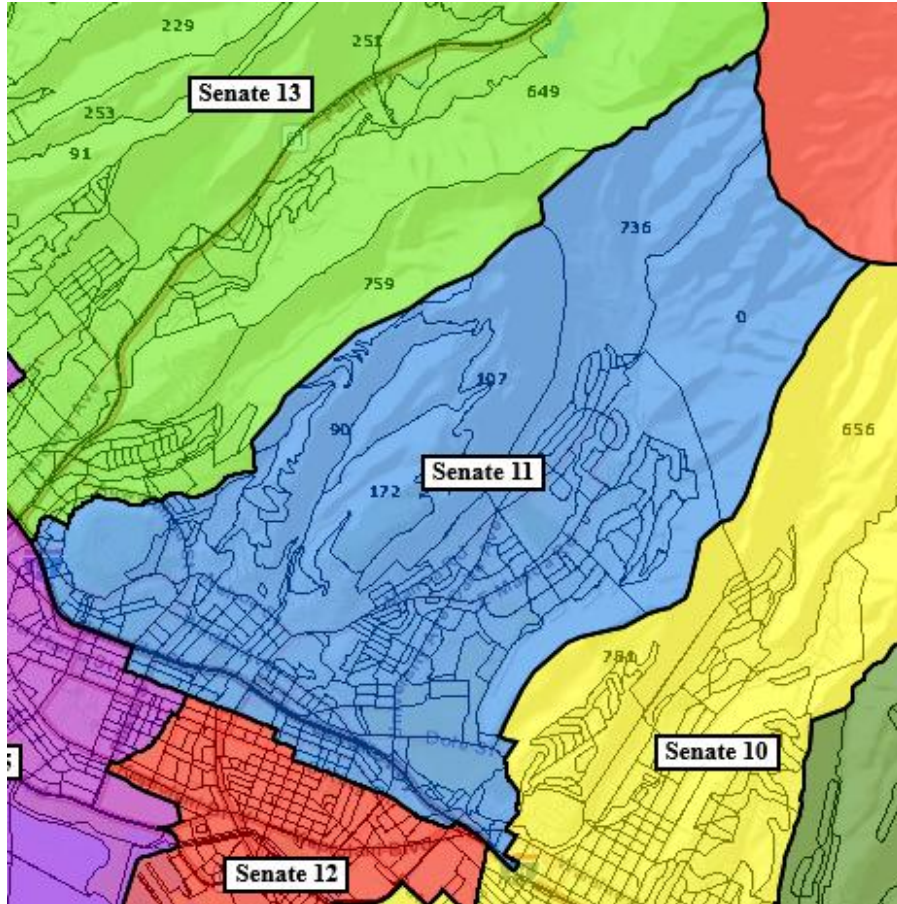
Aligned Senate Plan



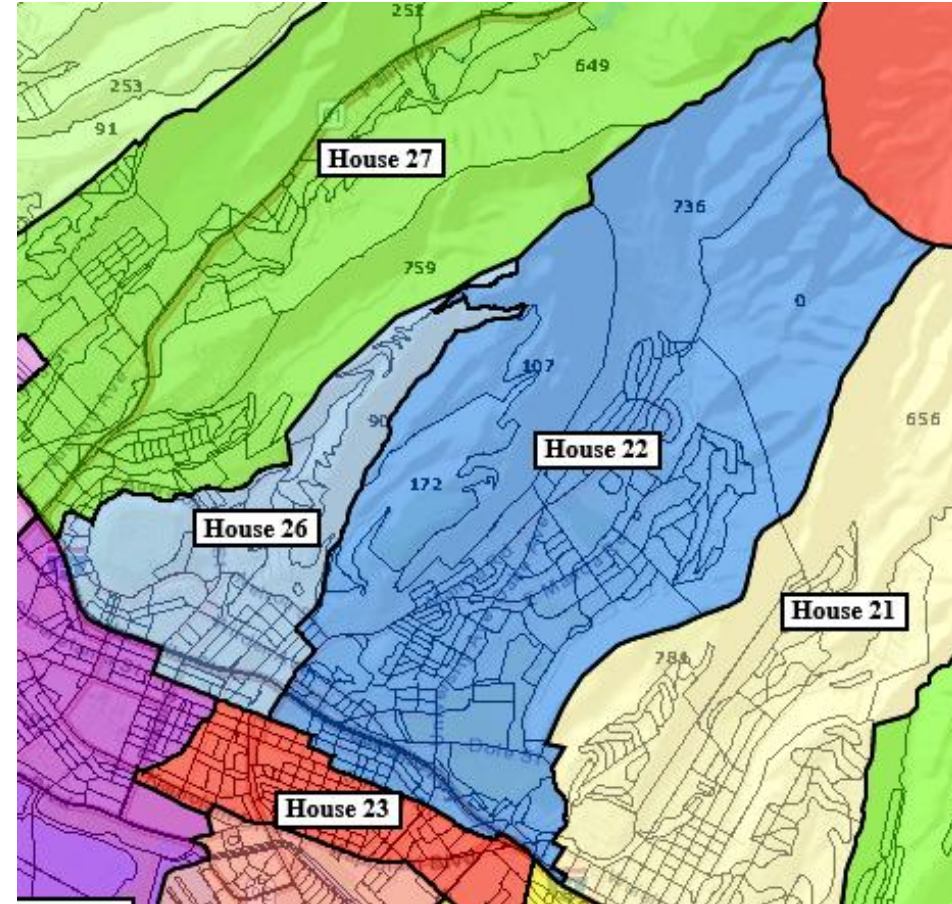
Technical Committee's House Map

Senate District 11

Exactly Aligned with TCs House Districts 22 & 26



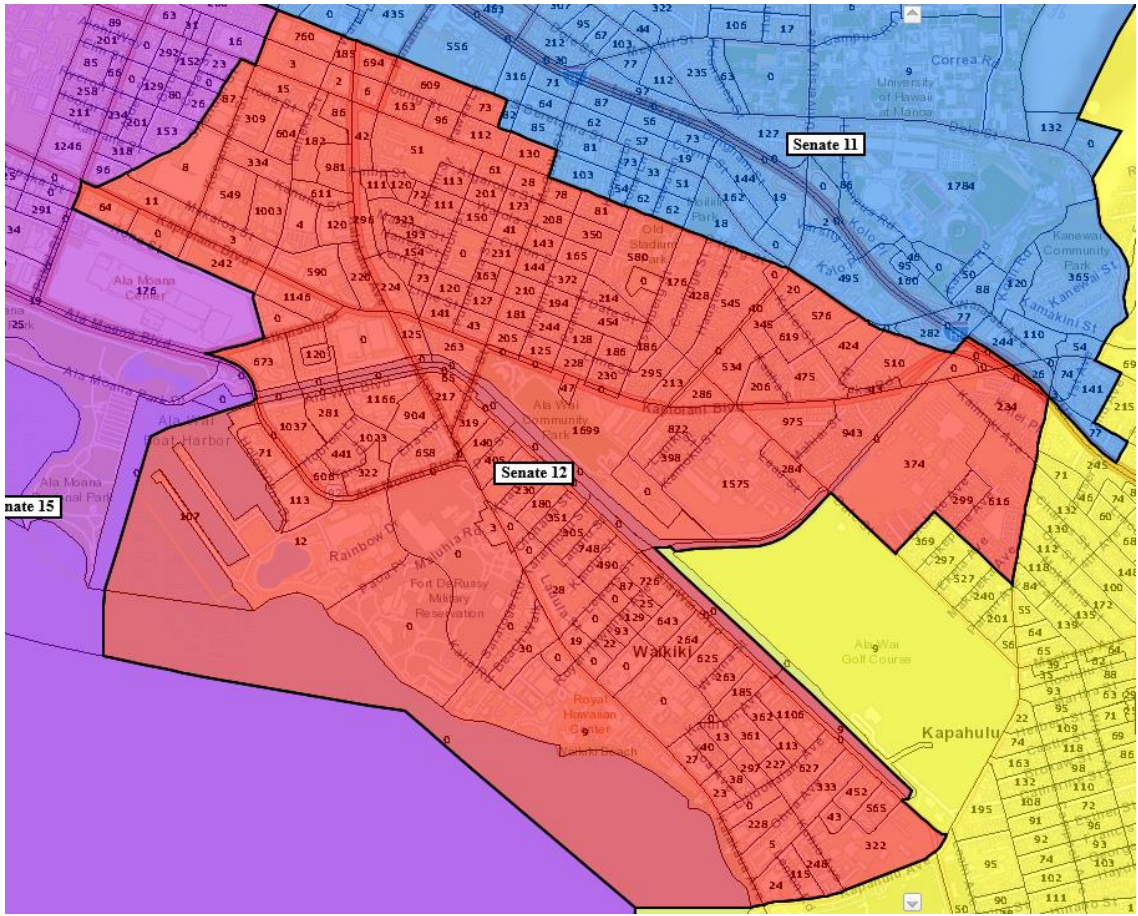
Aligned Senate Plan



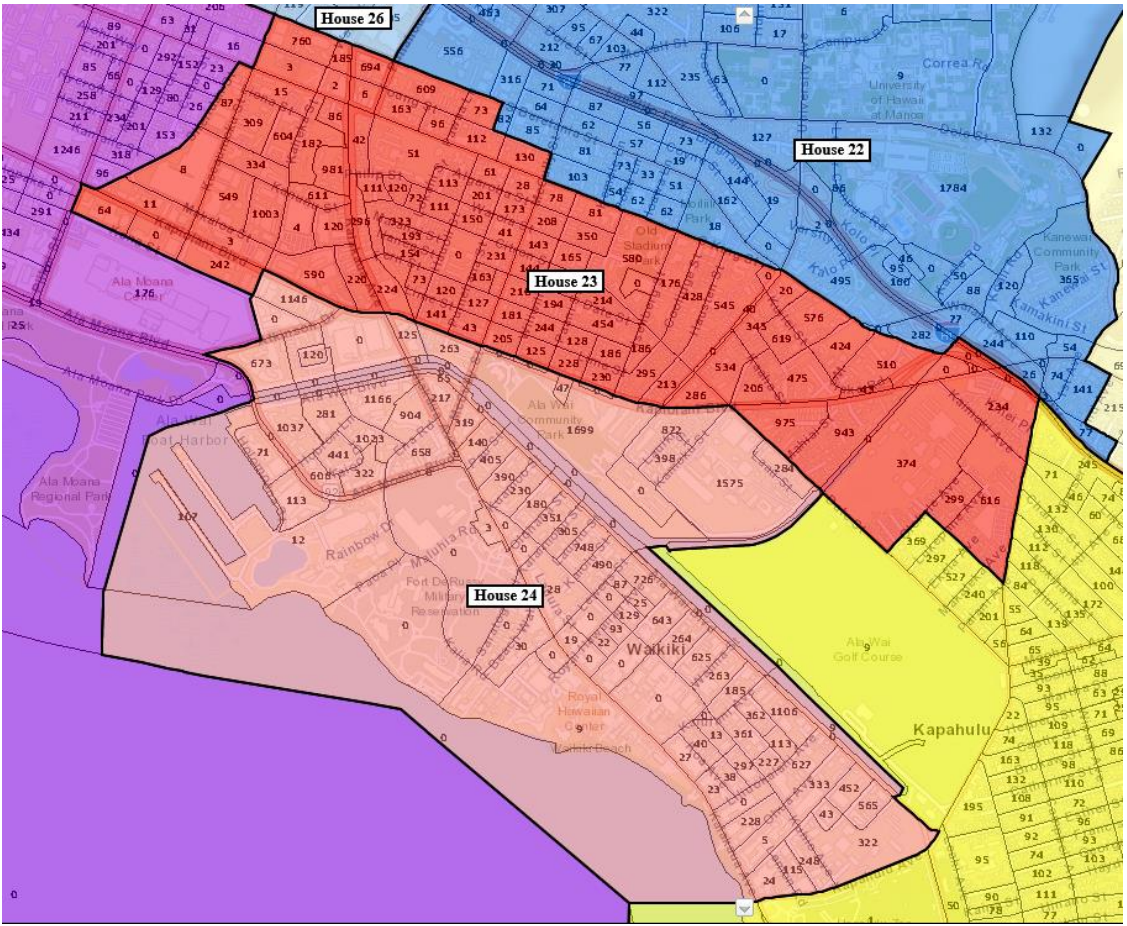
Technical Committee's House Map

Senate District 12

Exactly Aligned with TCs House Districts 23 & 24



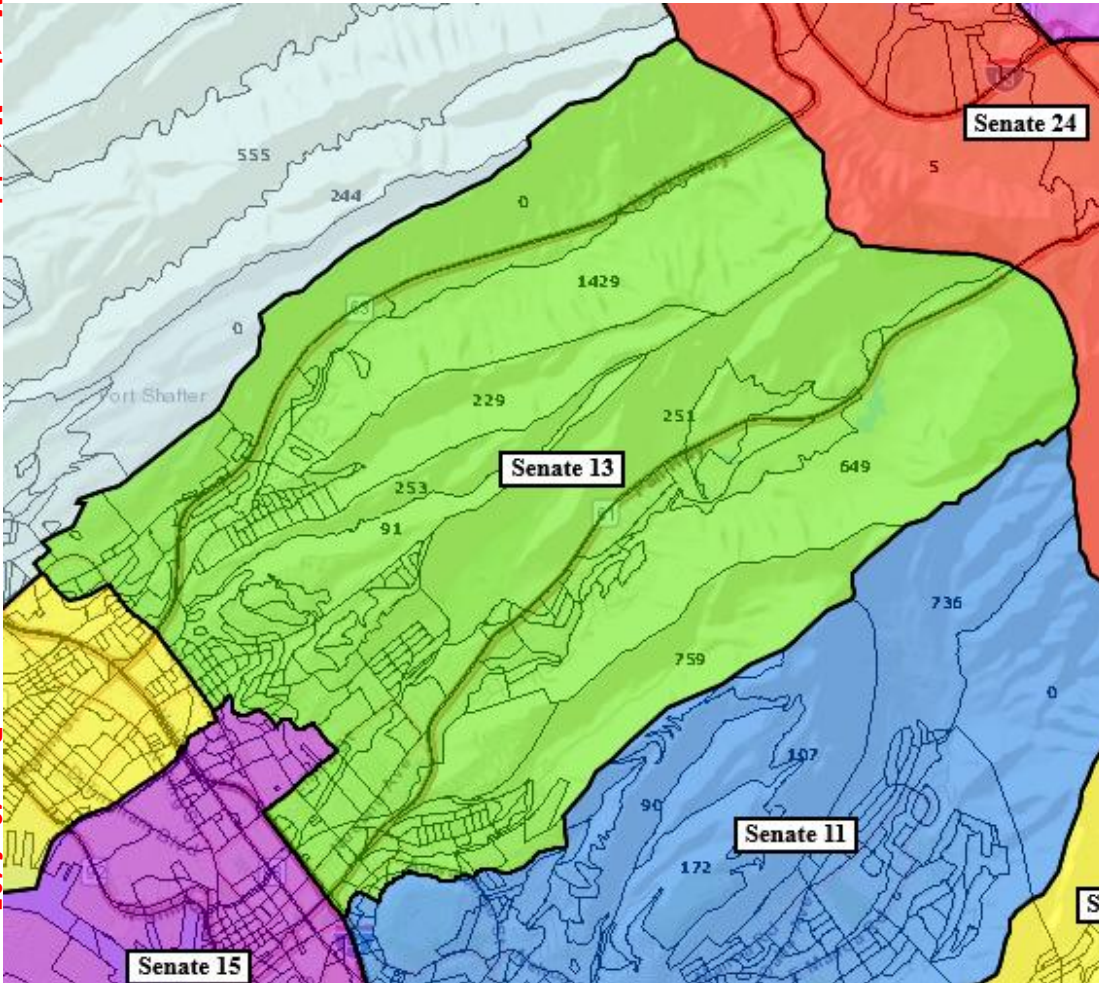
Aligned Senate Plan



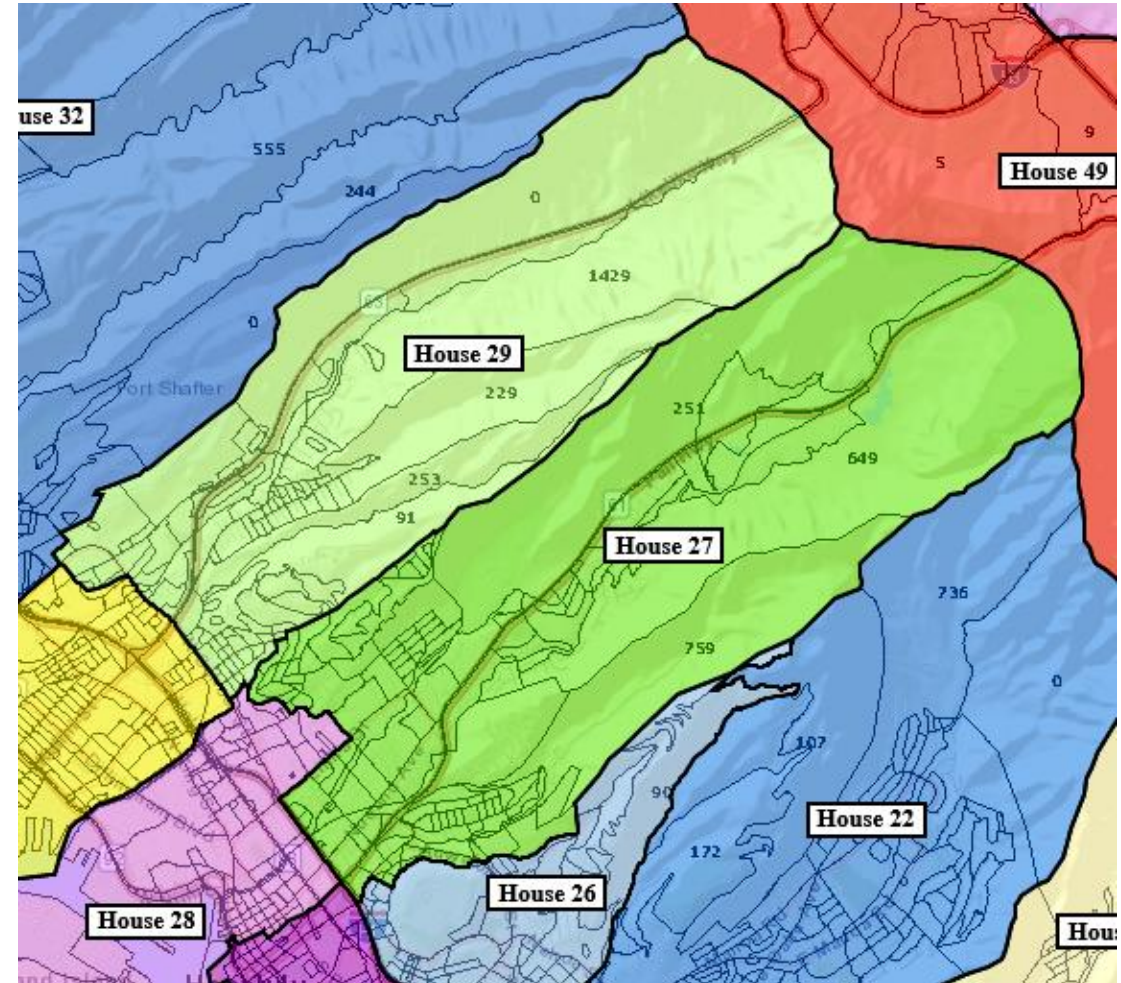
Technical Committee's House Map

Senate District 13

Exactly Aligned with TCs House Districts 27 & 29



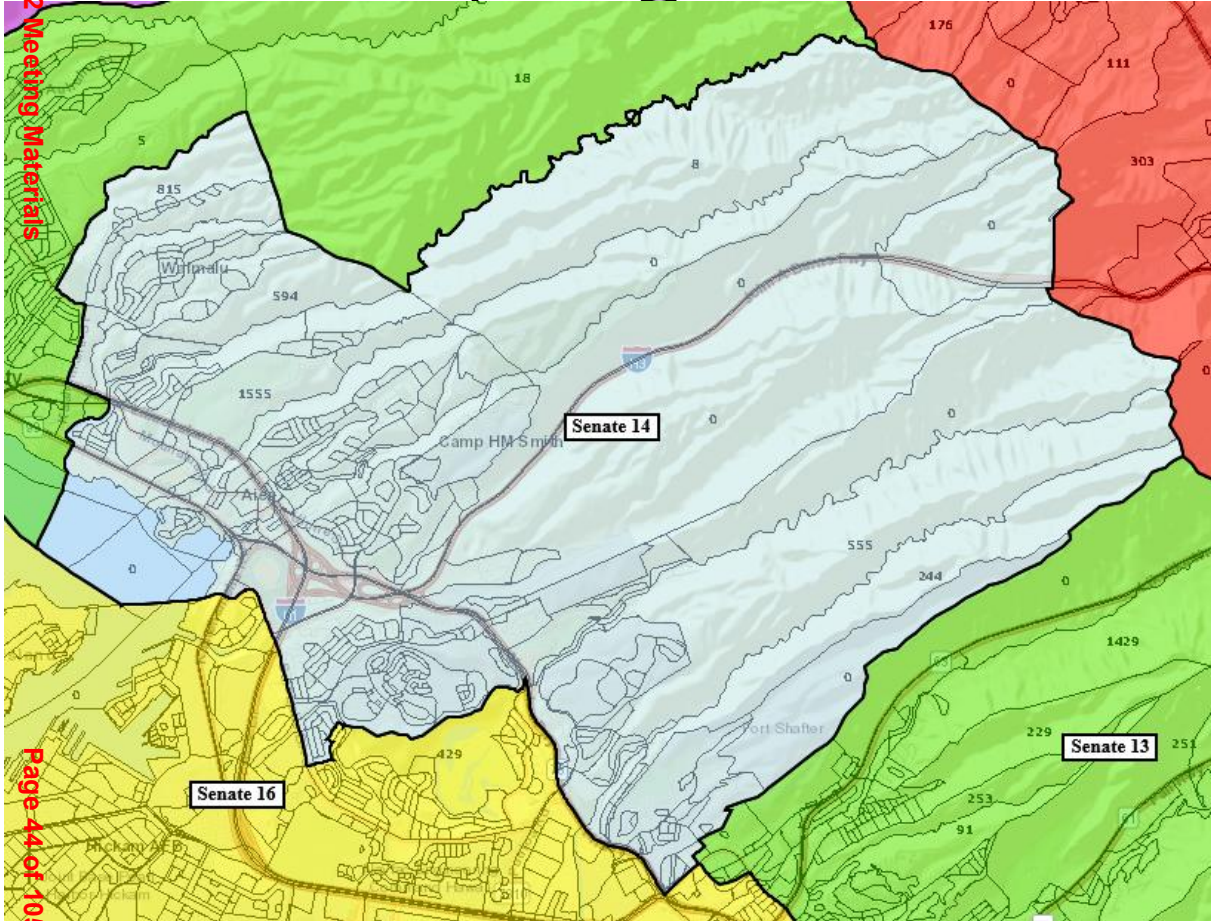
Aligned Senate Plan



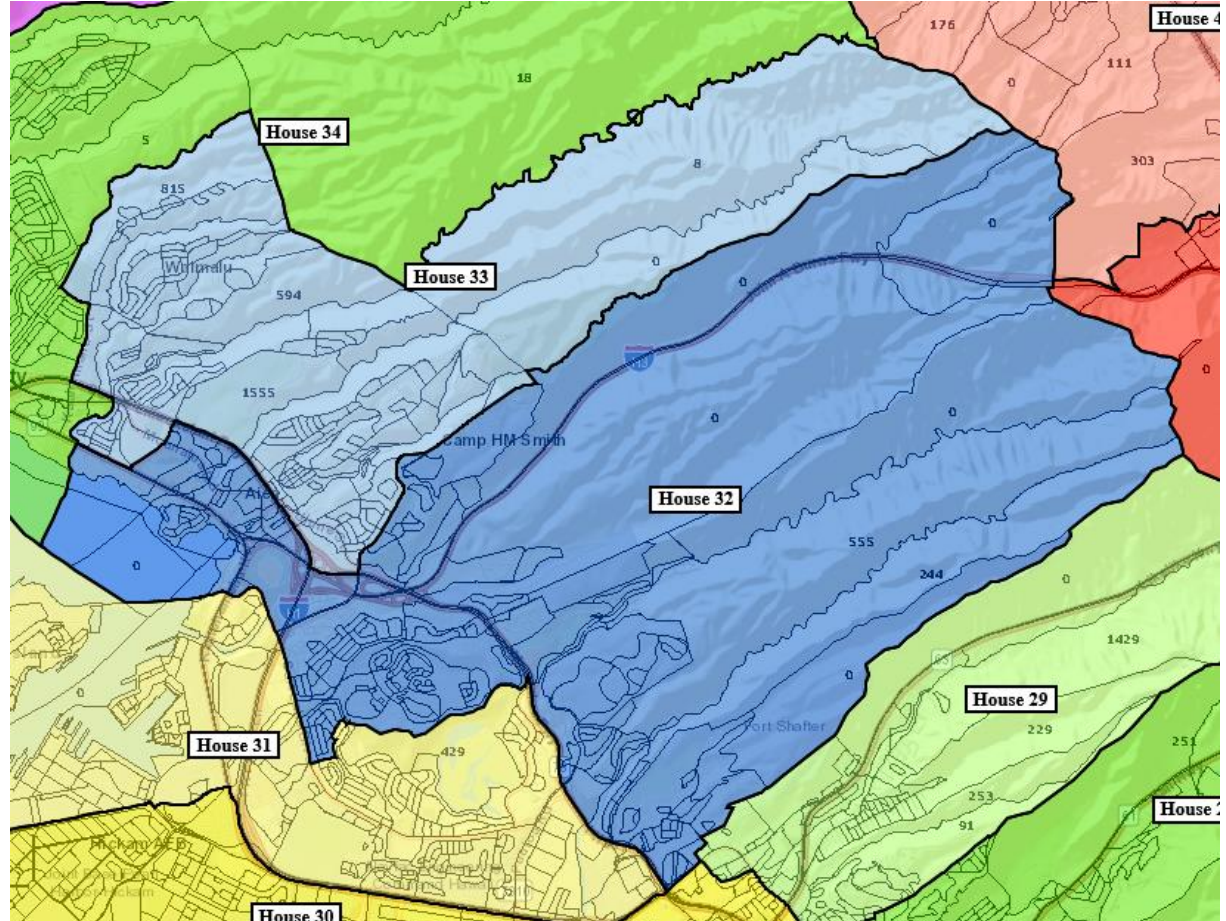
Technical Committee's House Map

Senate District 14

Exactly Aligned with TCs House Districts 32 & 33



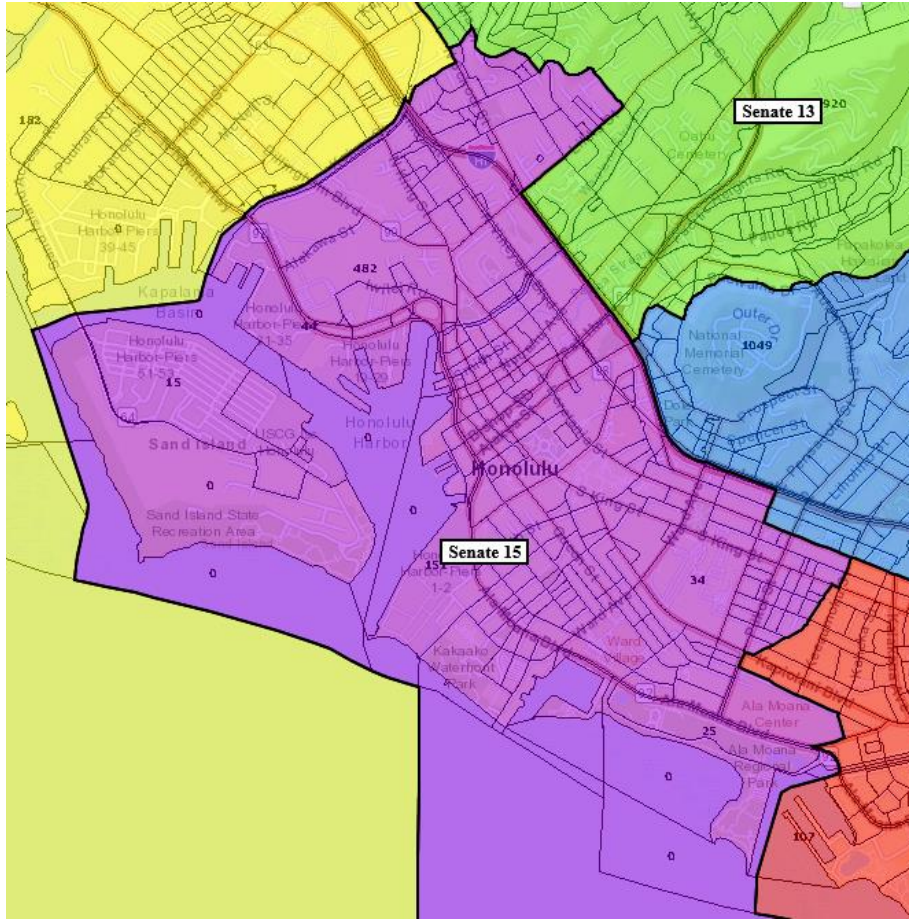
Aligned Senate Plan



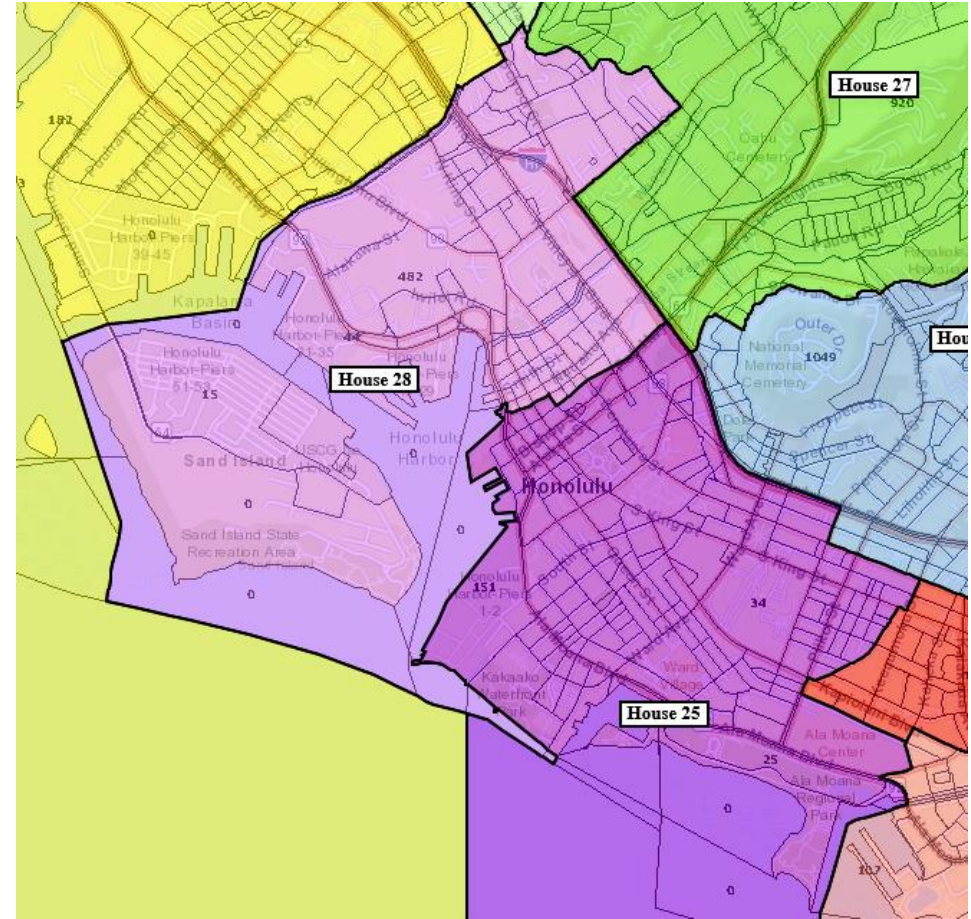
Technical Committee's House Map

Senate District 15

Exactly Aligned with TCs House Districts 25 & 28



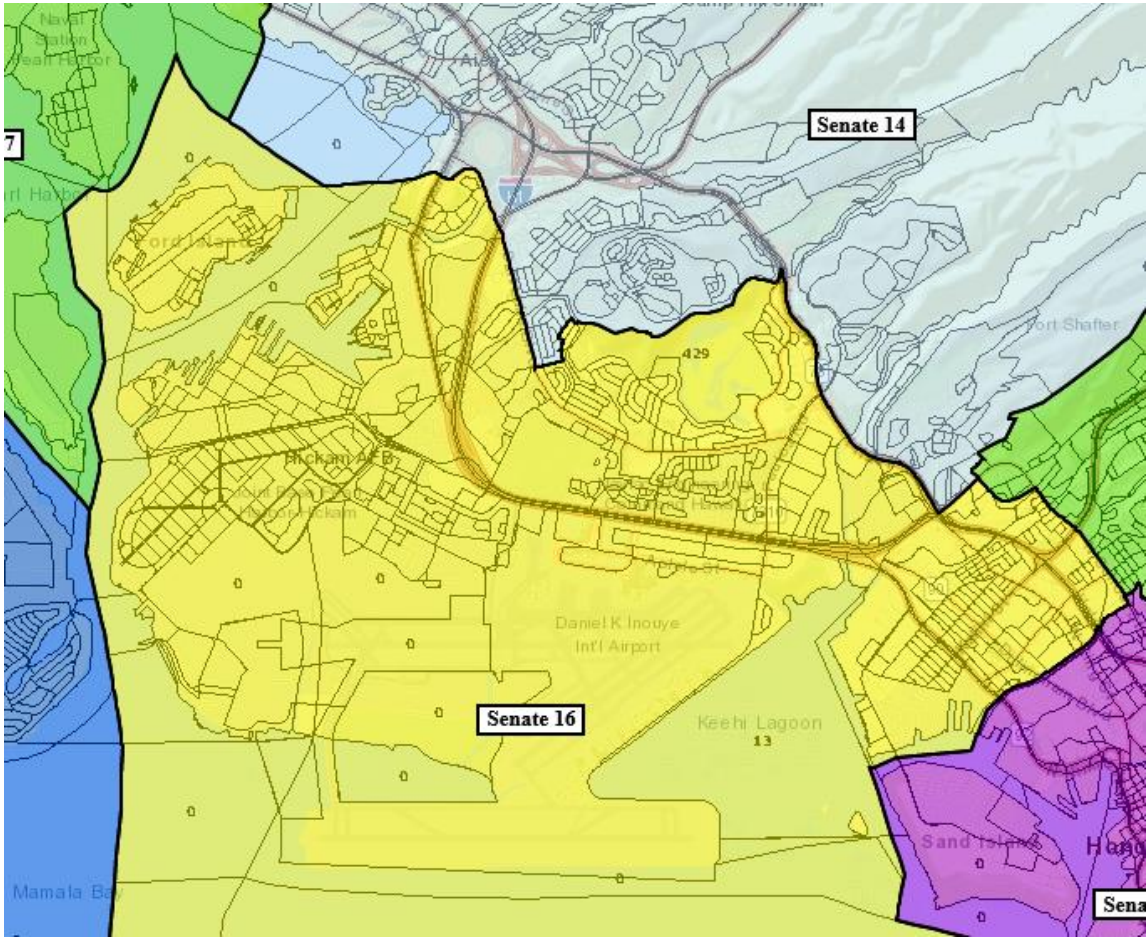
Aligned Senate Plan



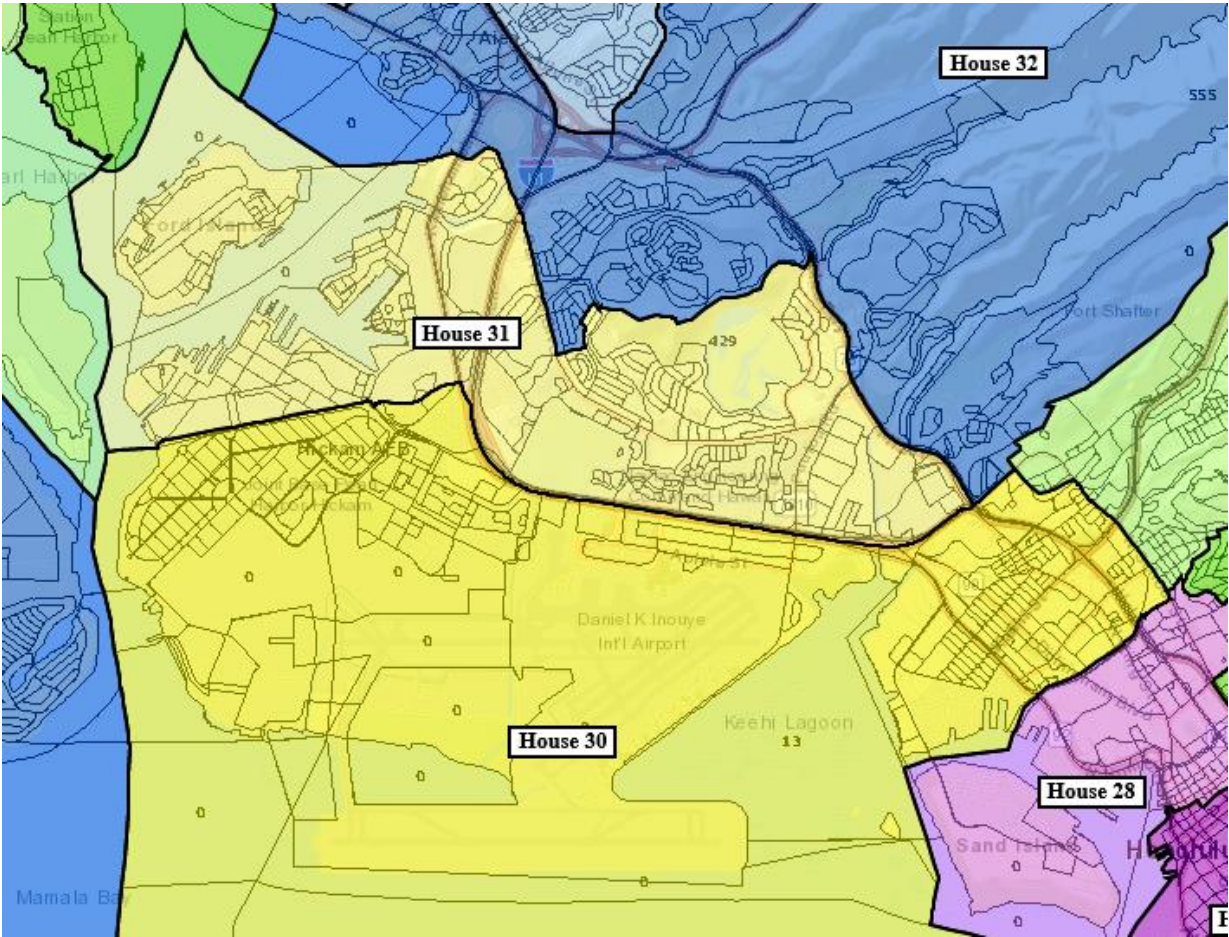
Technical Committee's House Map

Senate District 16

Exactly Aligned with TCs House Districts 30 & 31



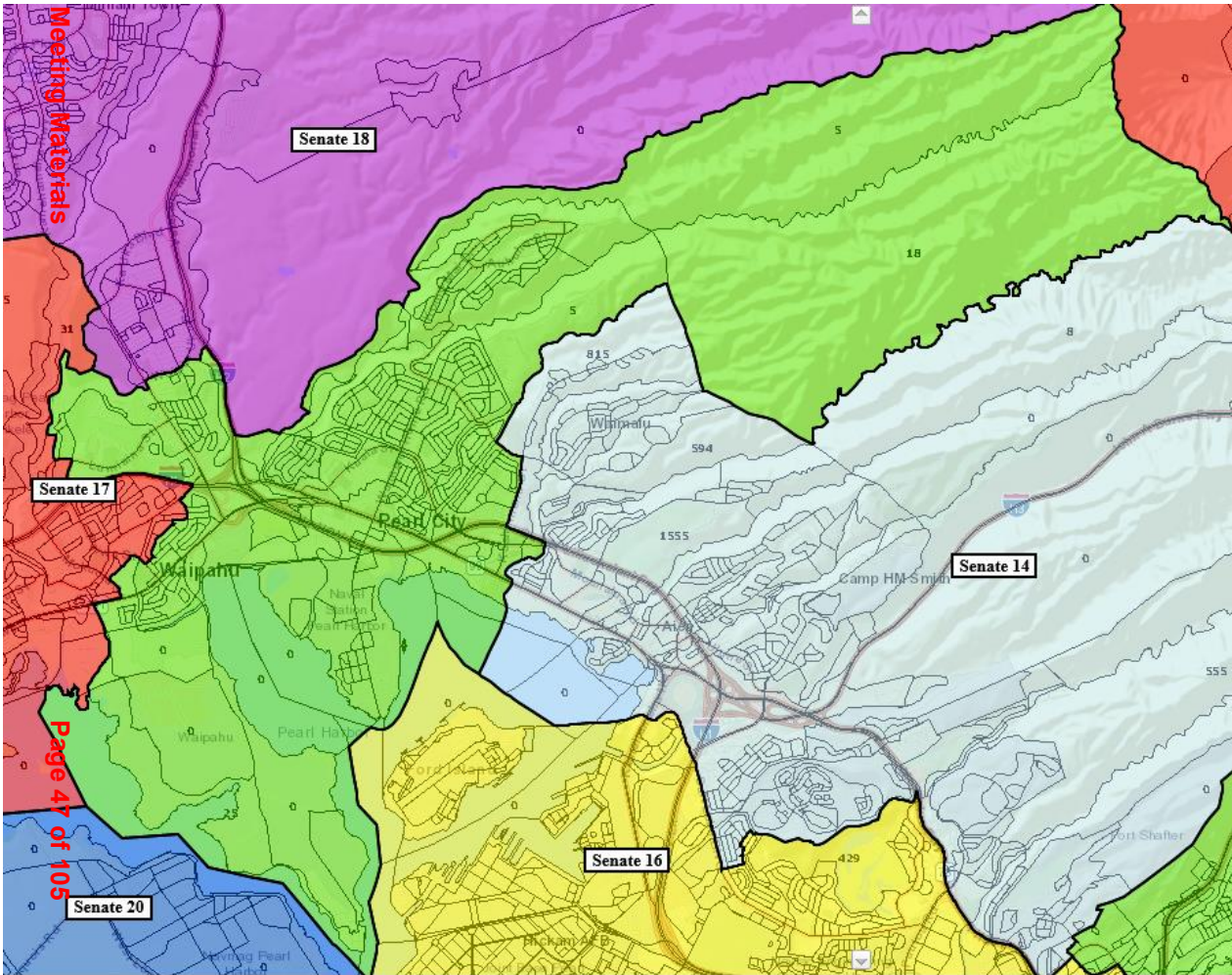
Aligned Senate Plan



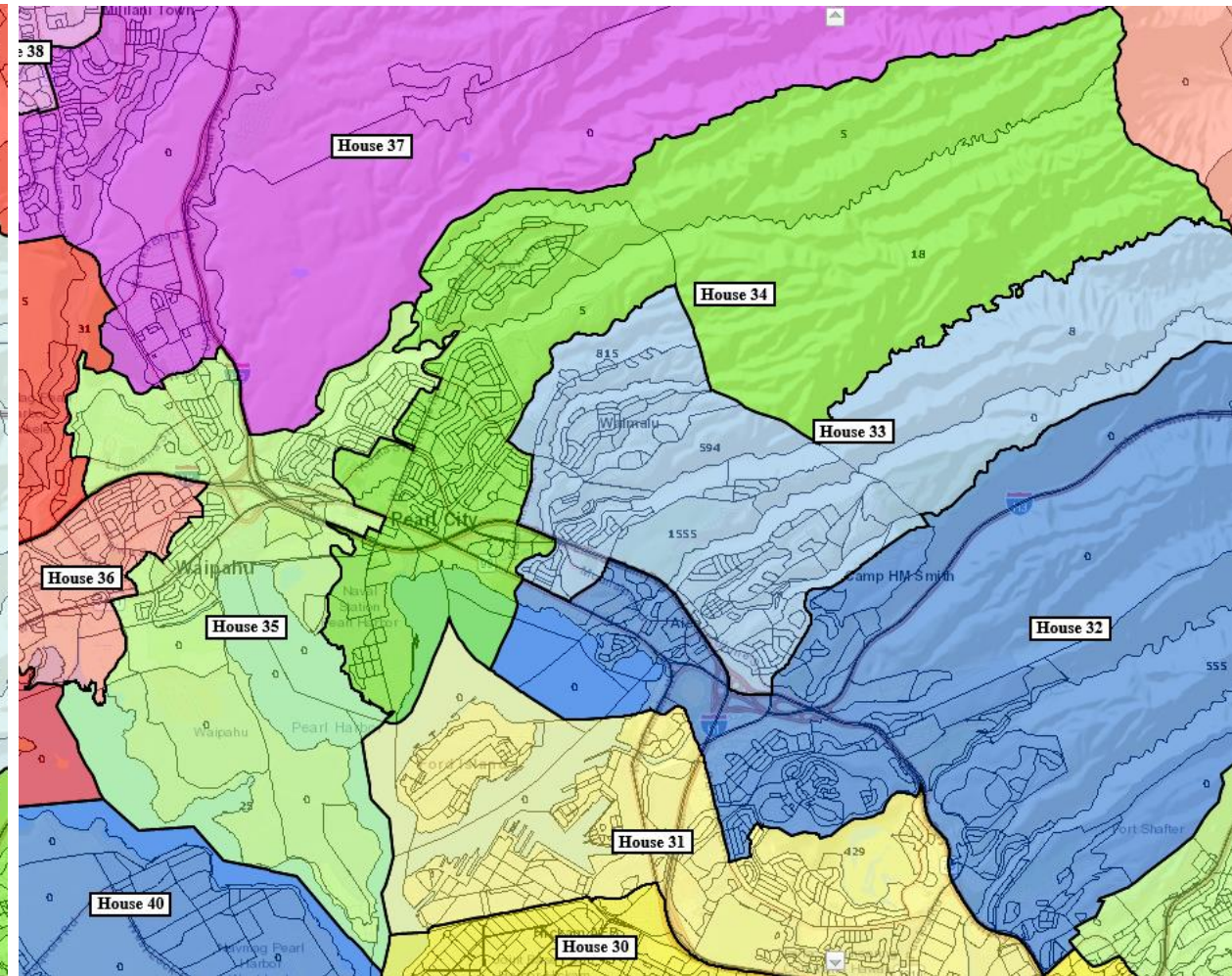
Technical Committee's House Map

Senate District 17

Exactly Aligned with TCs House Districts 34 & 35



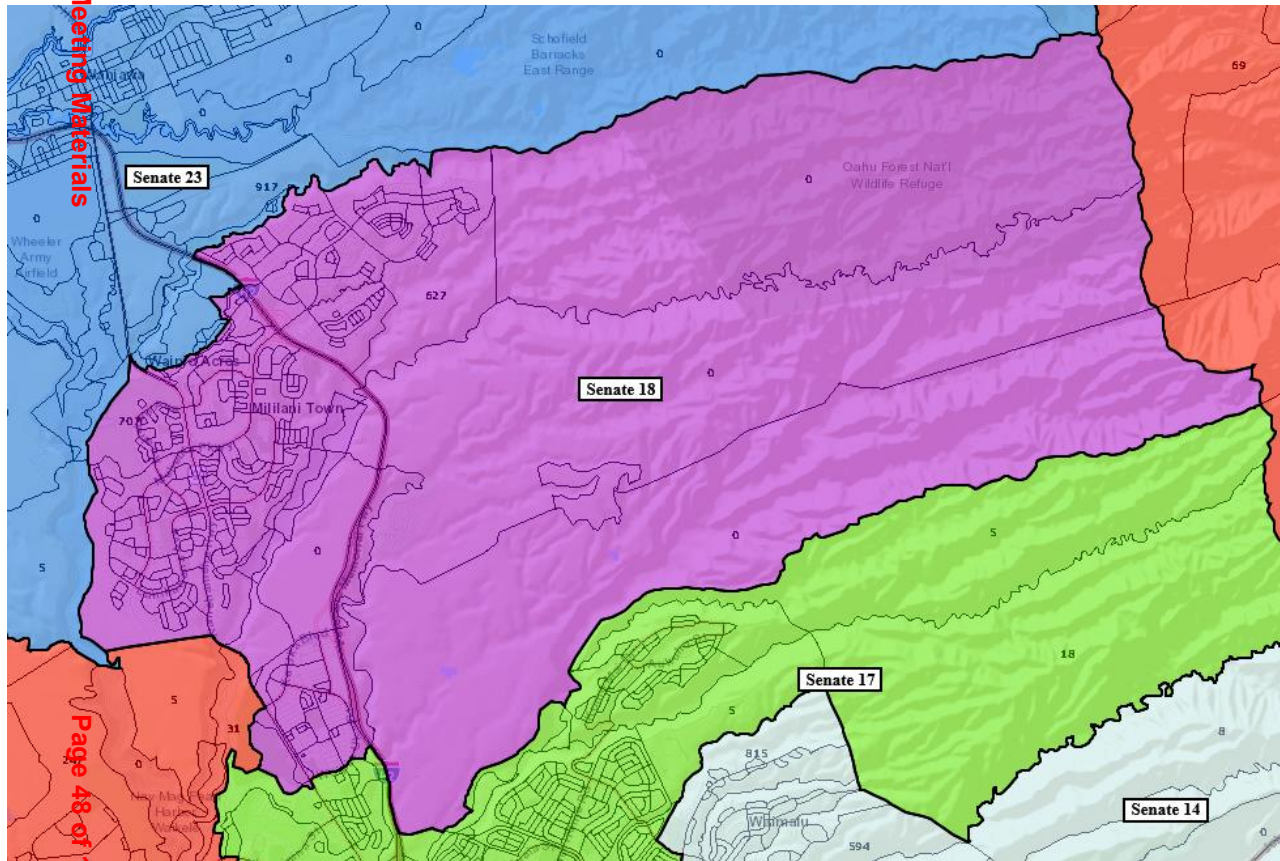
Aligned Senate Plan



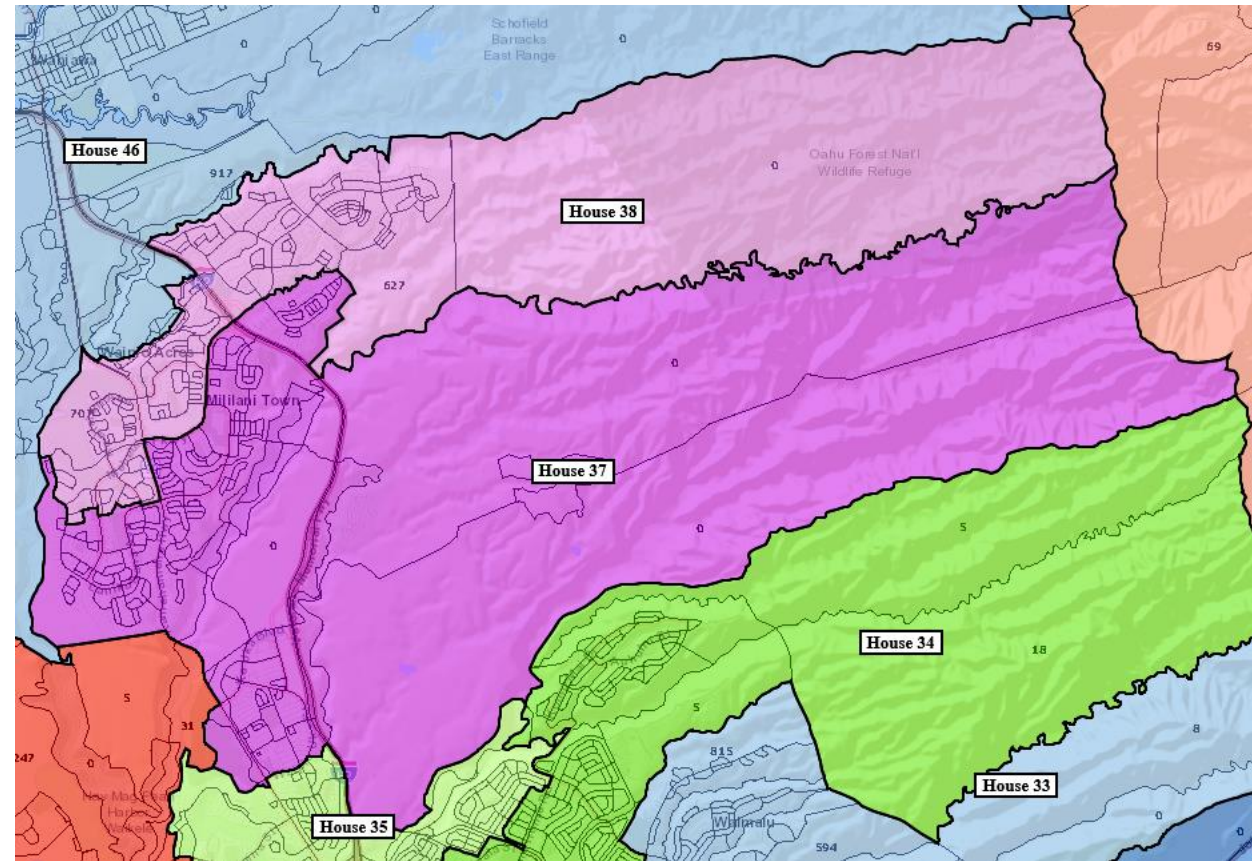
Technical Committee's House Map

Senate District 18

Exactly Aligned with TCs House Districts 37 & 38



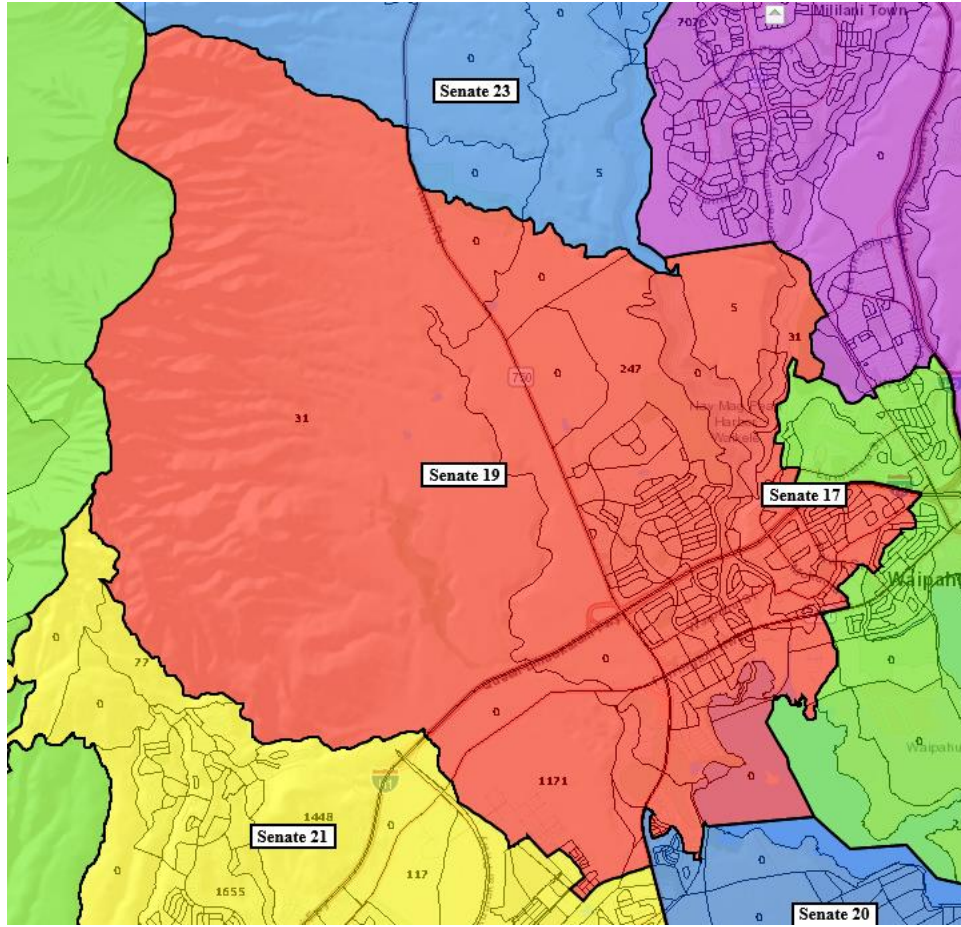
Aligned Senate Plan



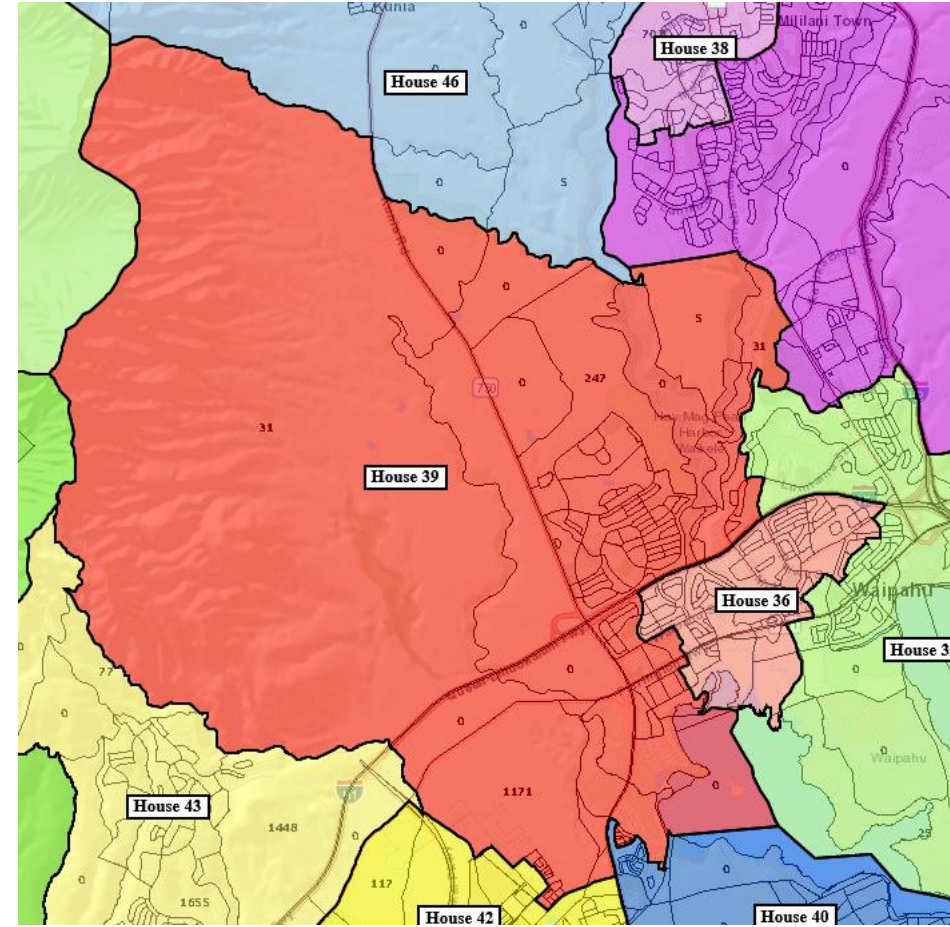
Technical Committee's House Map

Senate District 19

Exactly Aligned with TCs House Districts 36 & 39



Aligned Senate Plan

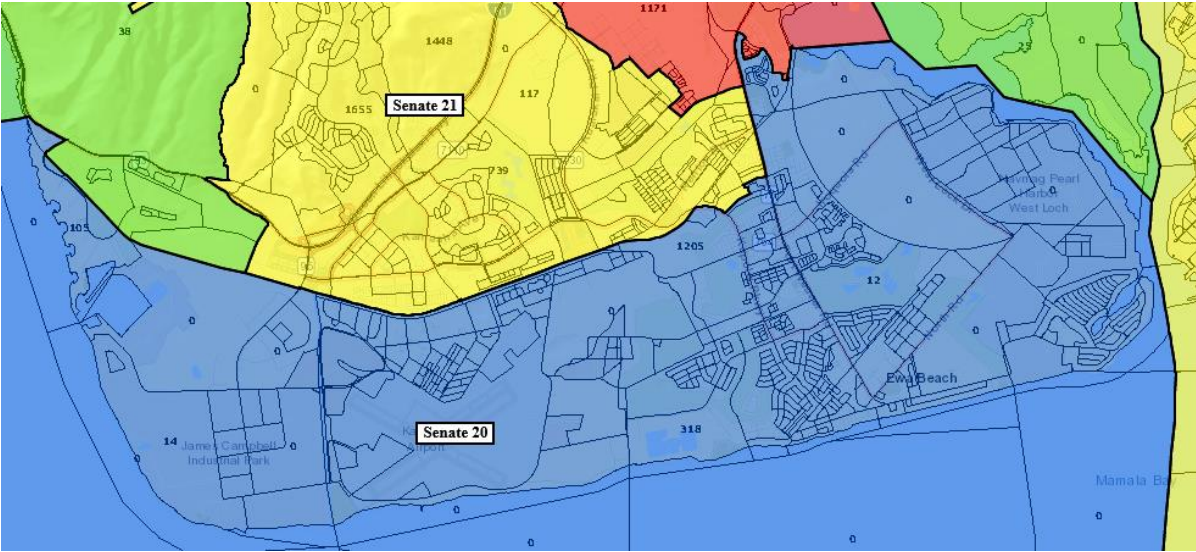


Technical Committee's House Map

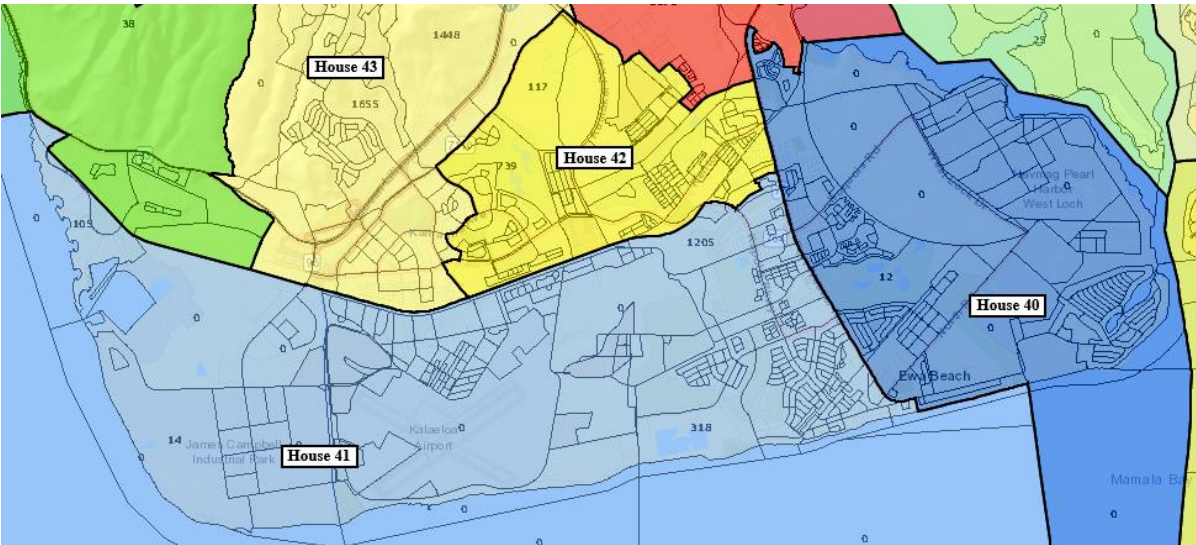
Senate District 20

Exactly Aligned with TCs House Districts 40 & 41

Aligned Senate Plan

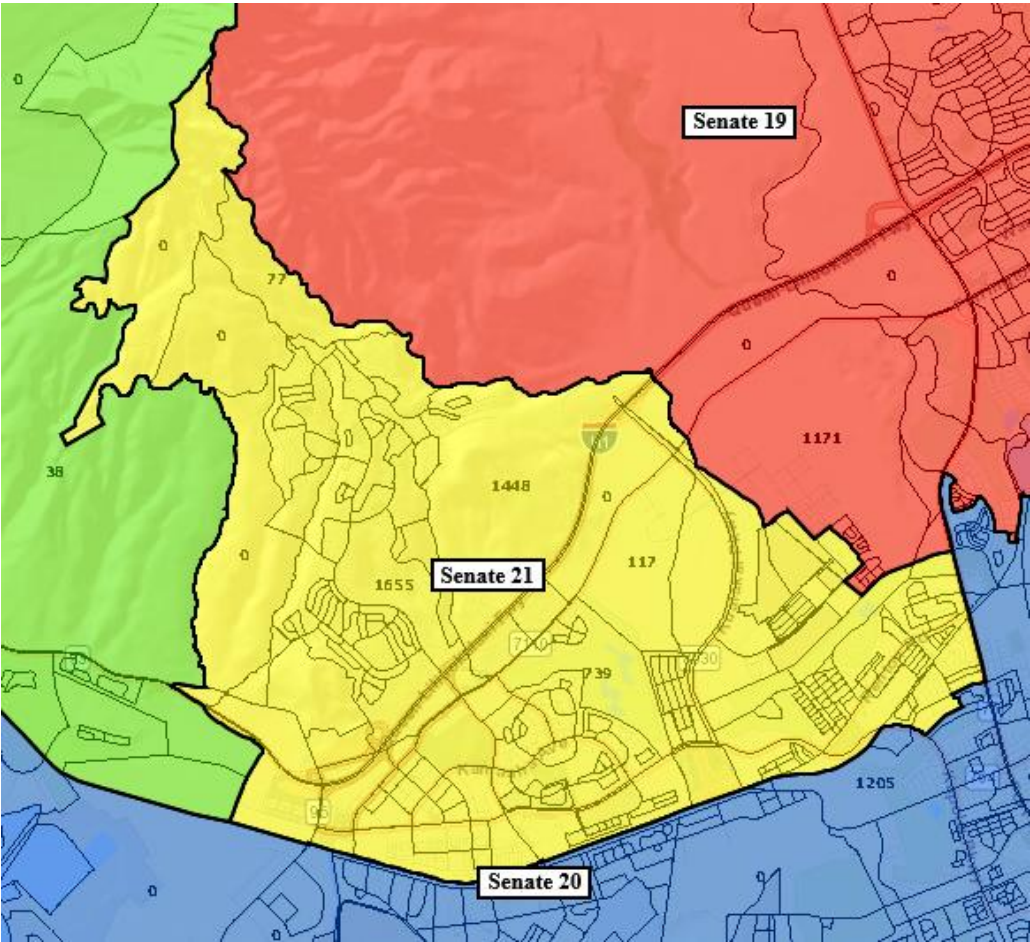


Technical Committee's House Map

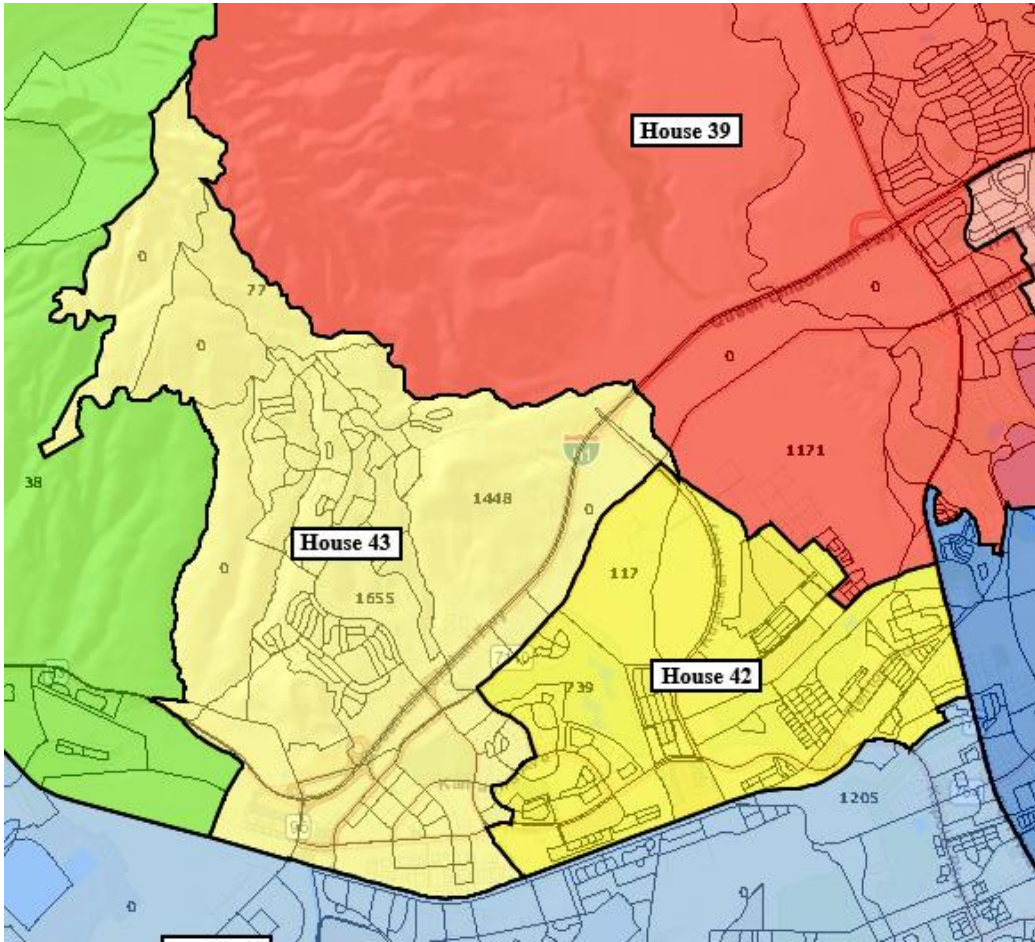


Senate District 21

Exactly Aligned with TCs House Districts 42 & 43



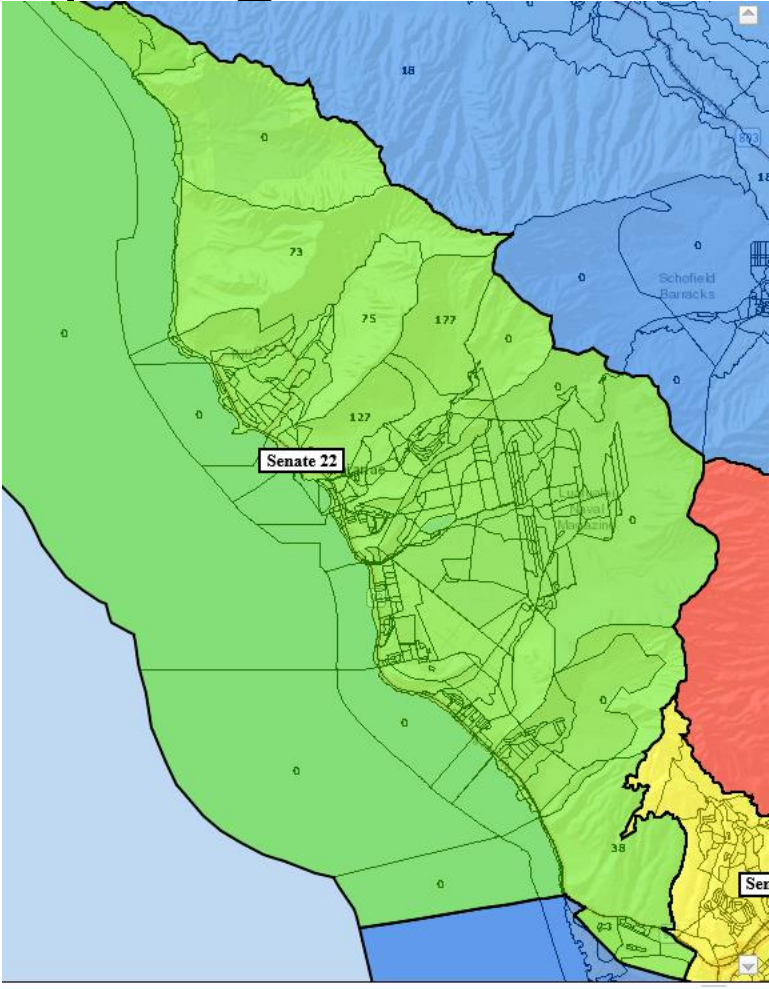
Aligned Senate Plan



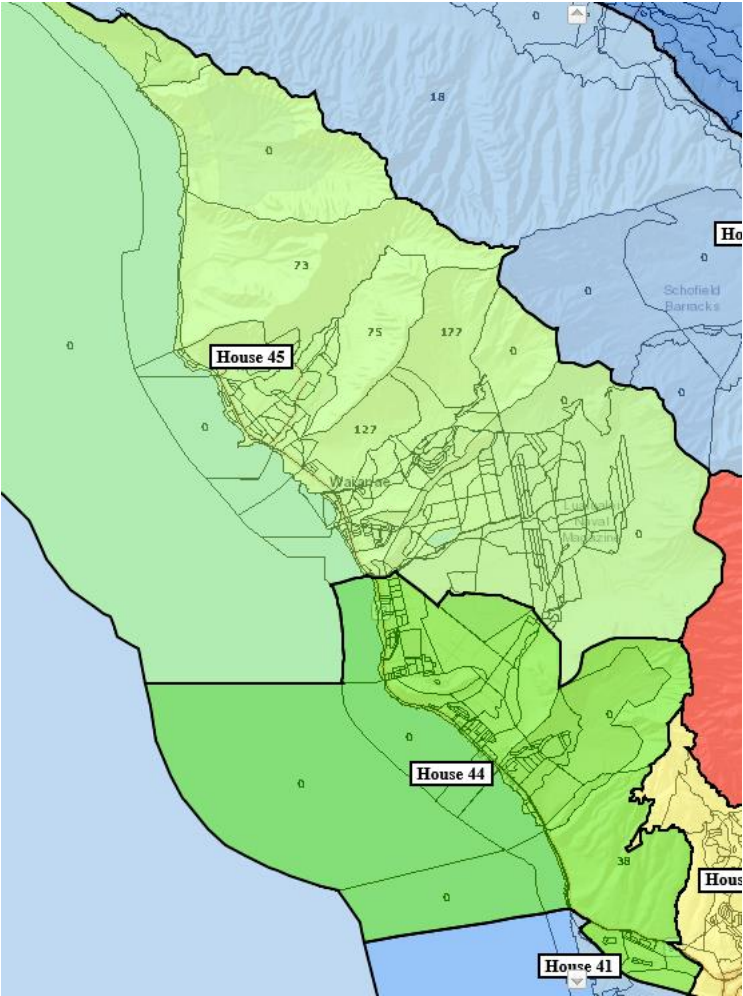
Technical Committee's House Map

Senate District 22

Exactly Aligned with TCs House Districts 44 & 45



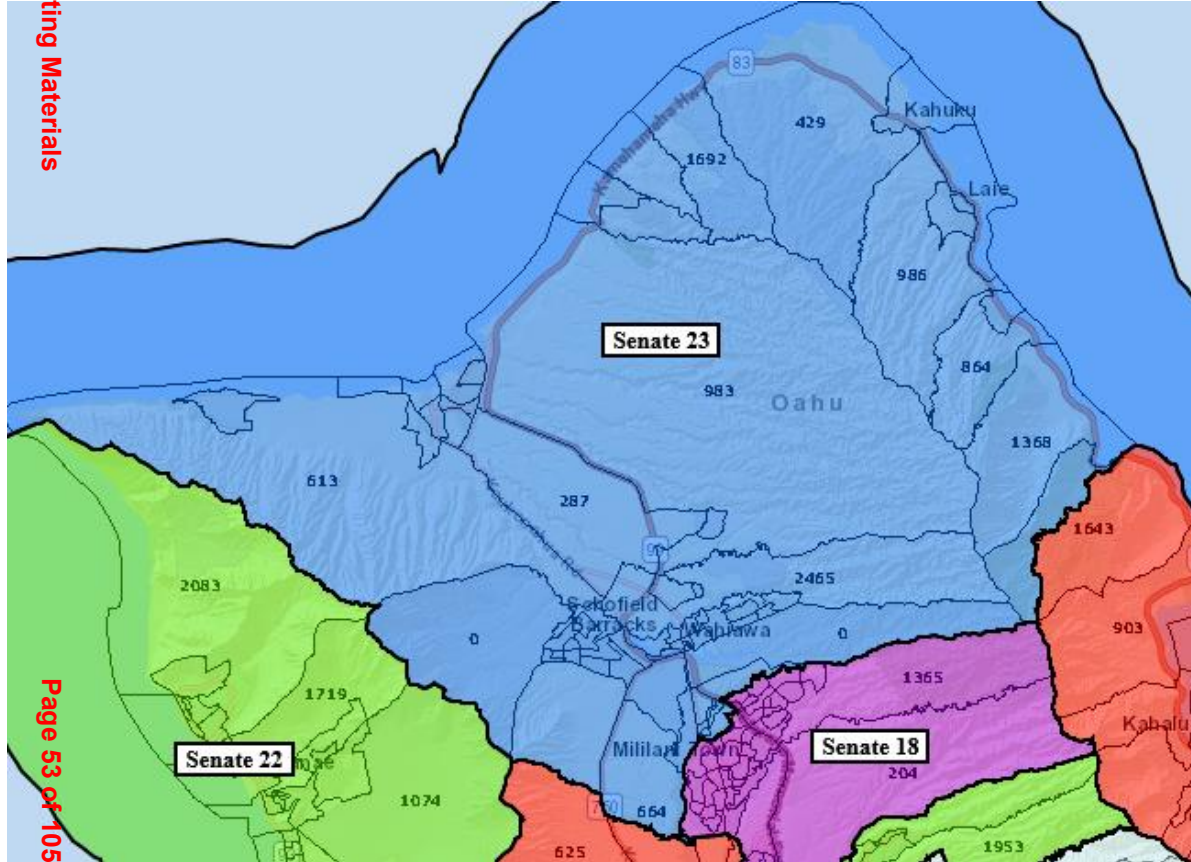
Aligned Senate Plan



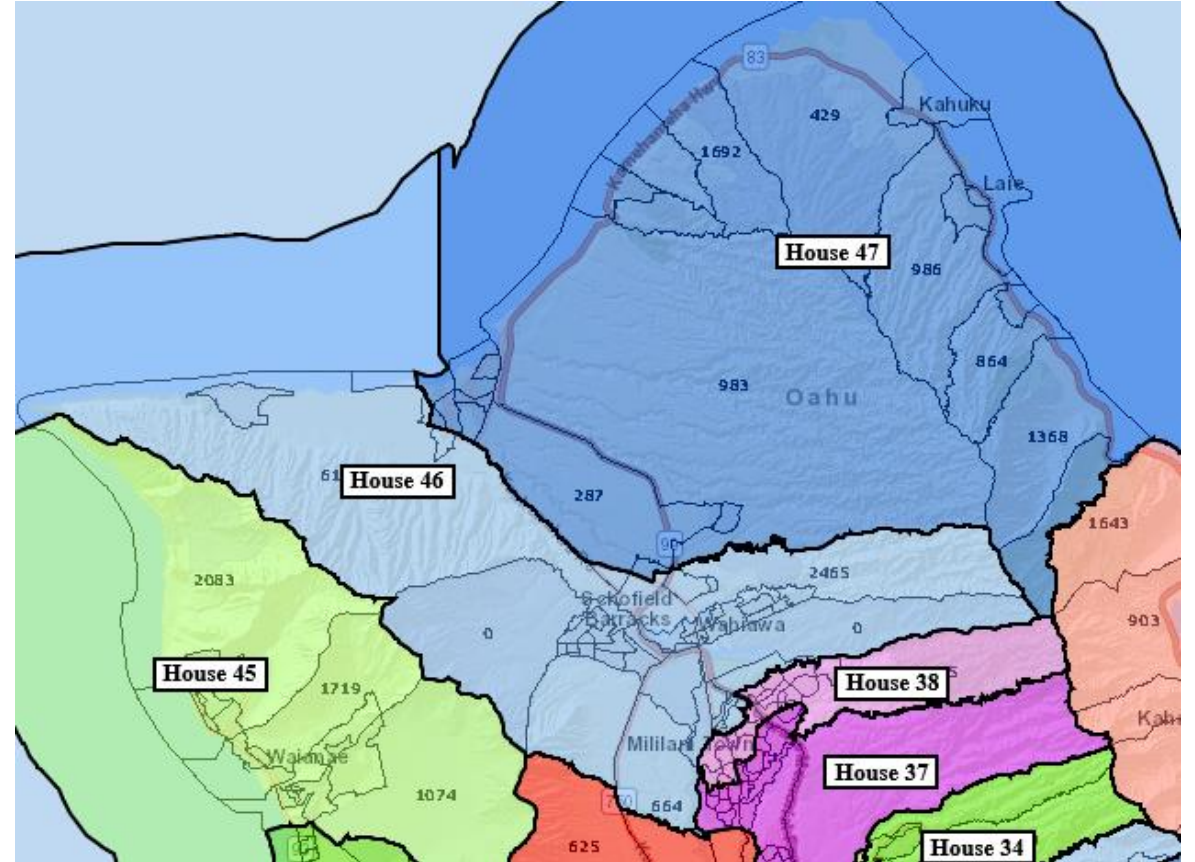
Technical Committee's House Map

Senate District 23

Exactly Aligned with TCs House Districts 46 & 47



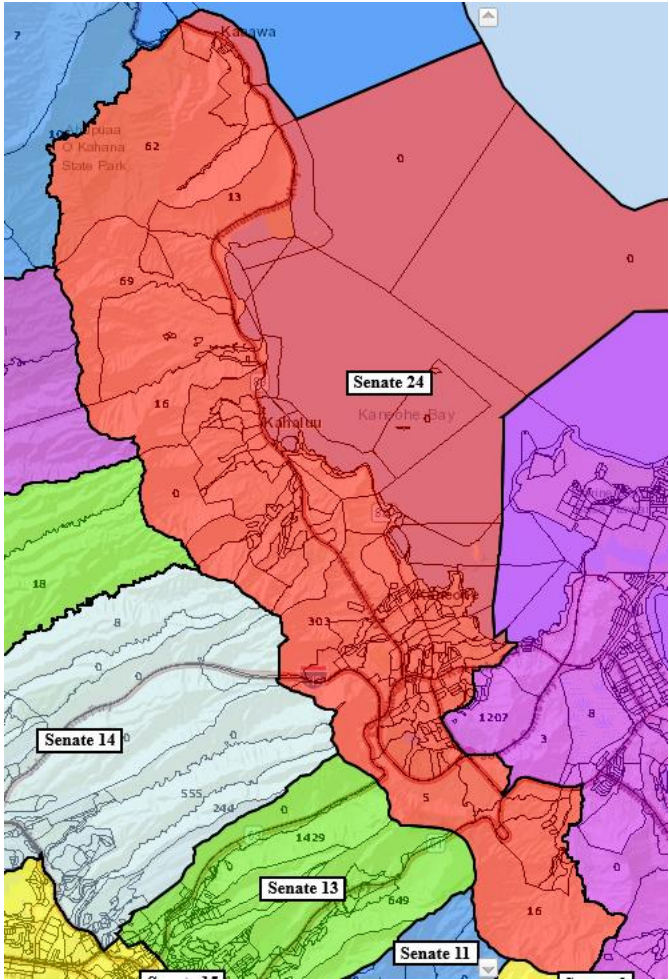
Aligned Senate Plan



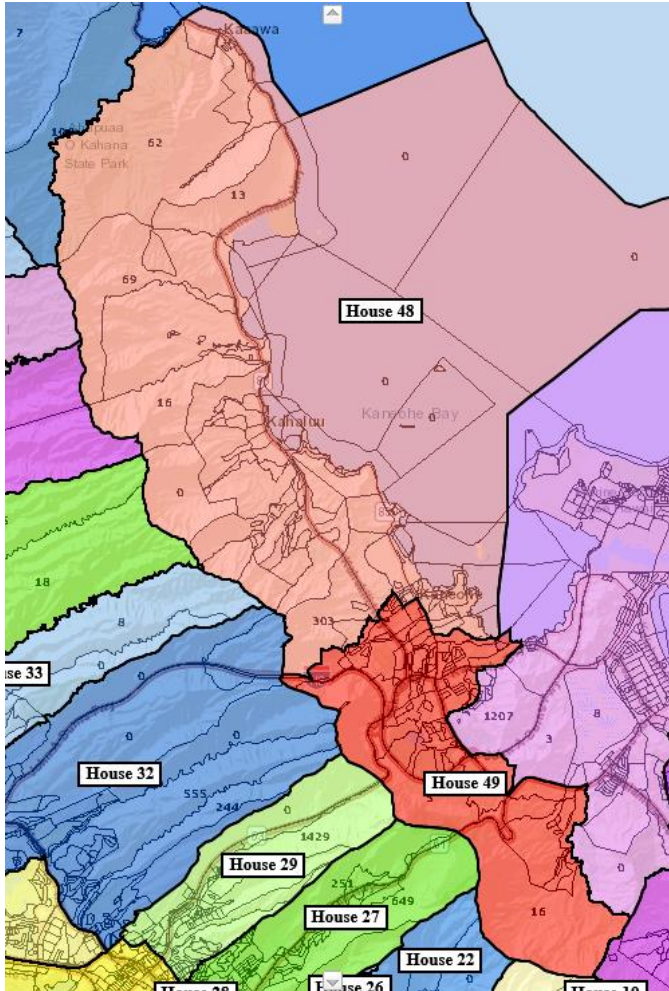
Technical Committee's House Map

Senate District 24

Exactly Aligned with TCs House Districts 48 & 49



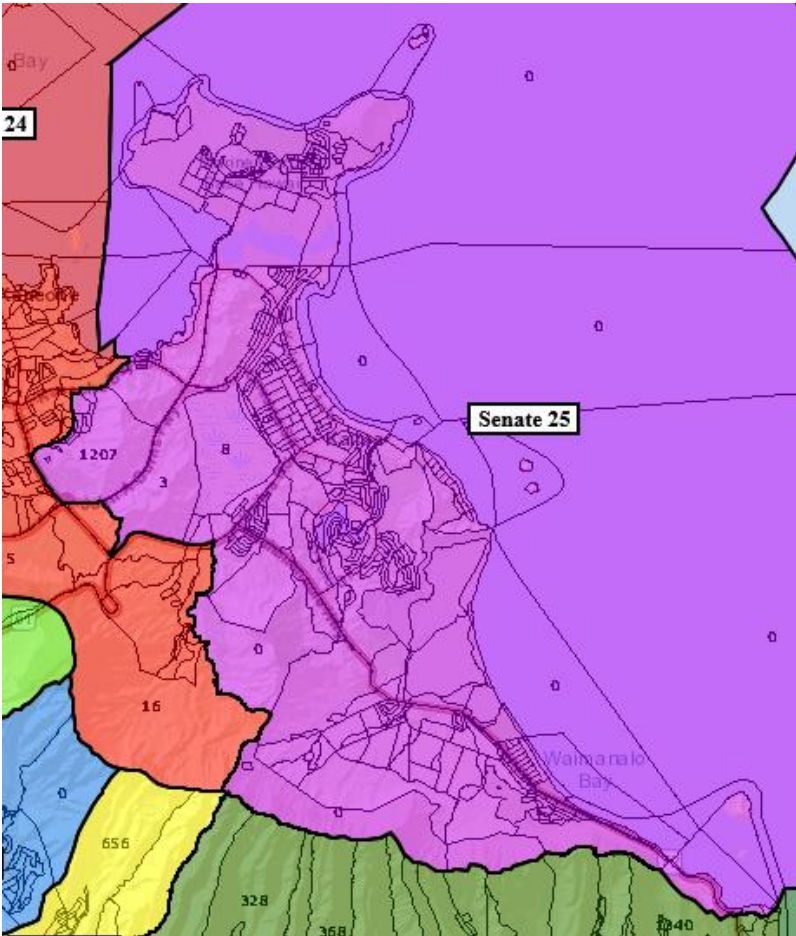
Aligned Senate Plan



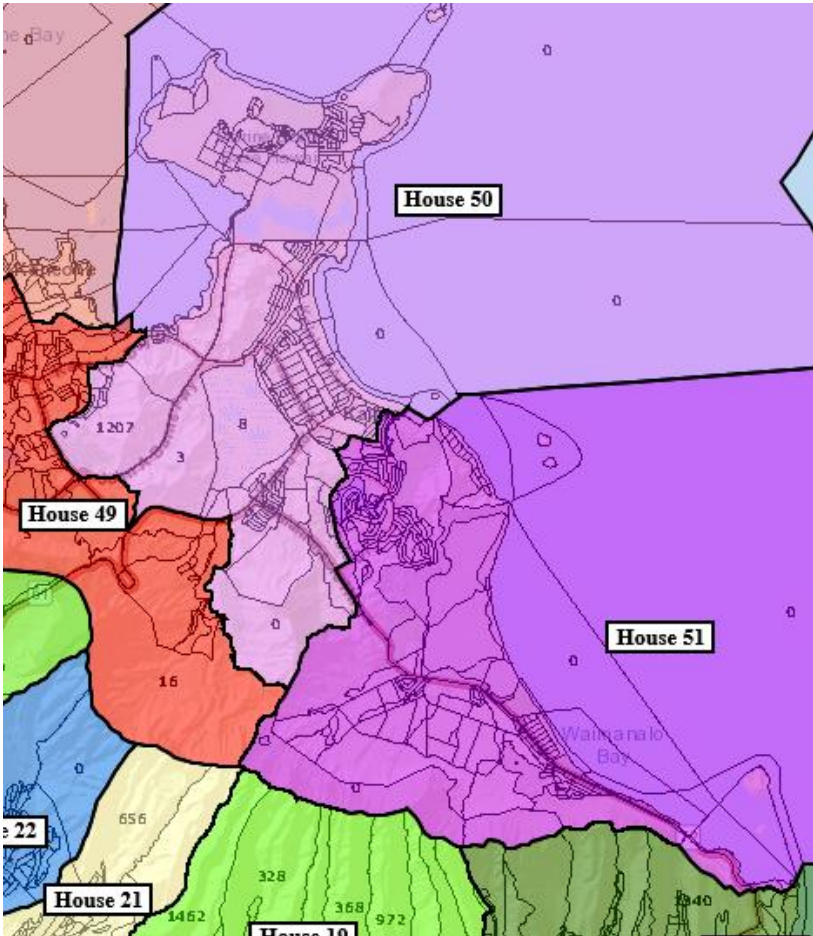
Technical Committee's House Map

Senate District 25

Exactly Aligned with TCs House Districts 50 & 51



Aligned Senate Plan



Technical Committee's House Map

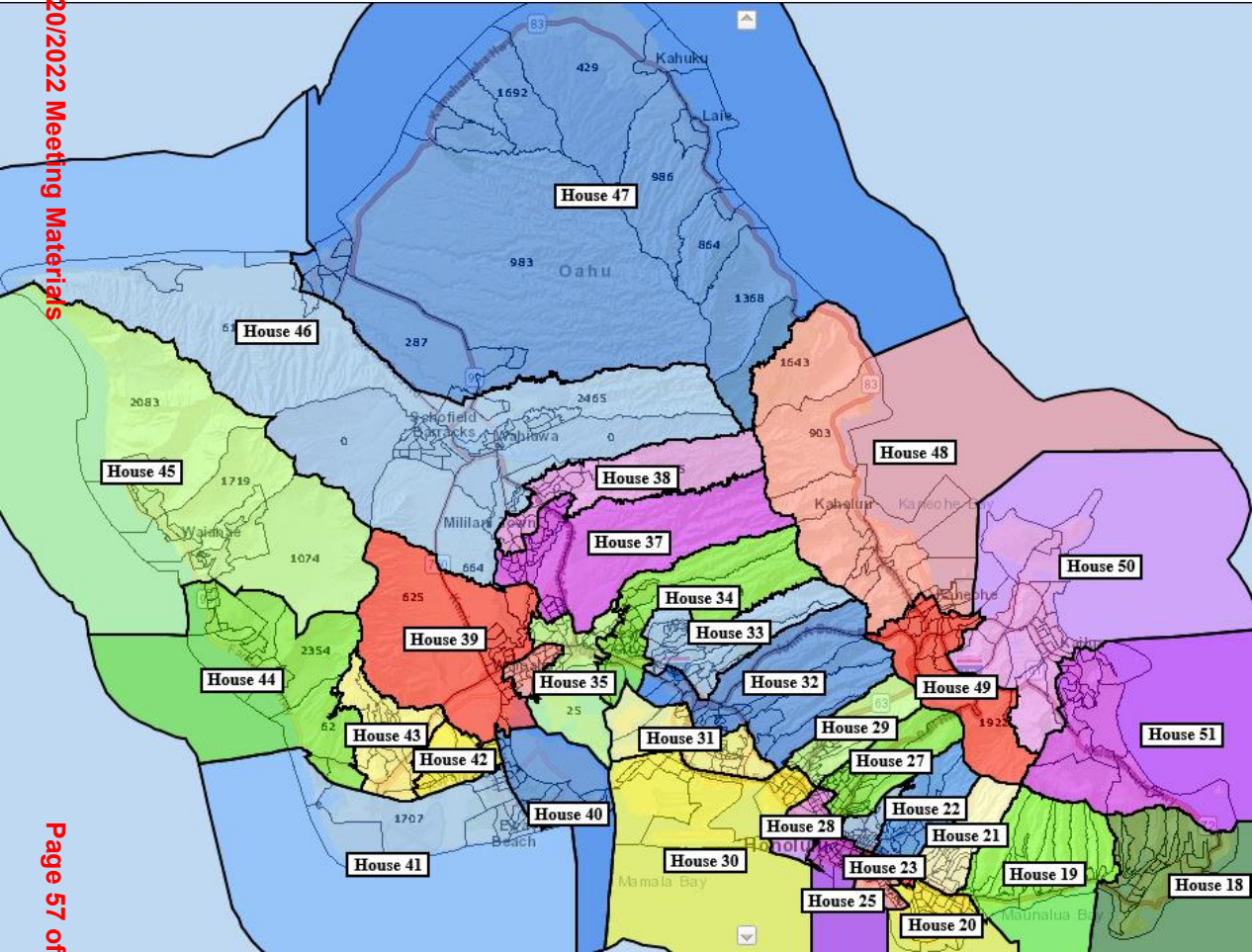
“...state legislative districts shall be wholly included within congressional districts.”

Chapter 25 Hawaii Revised Statutes

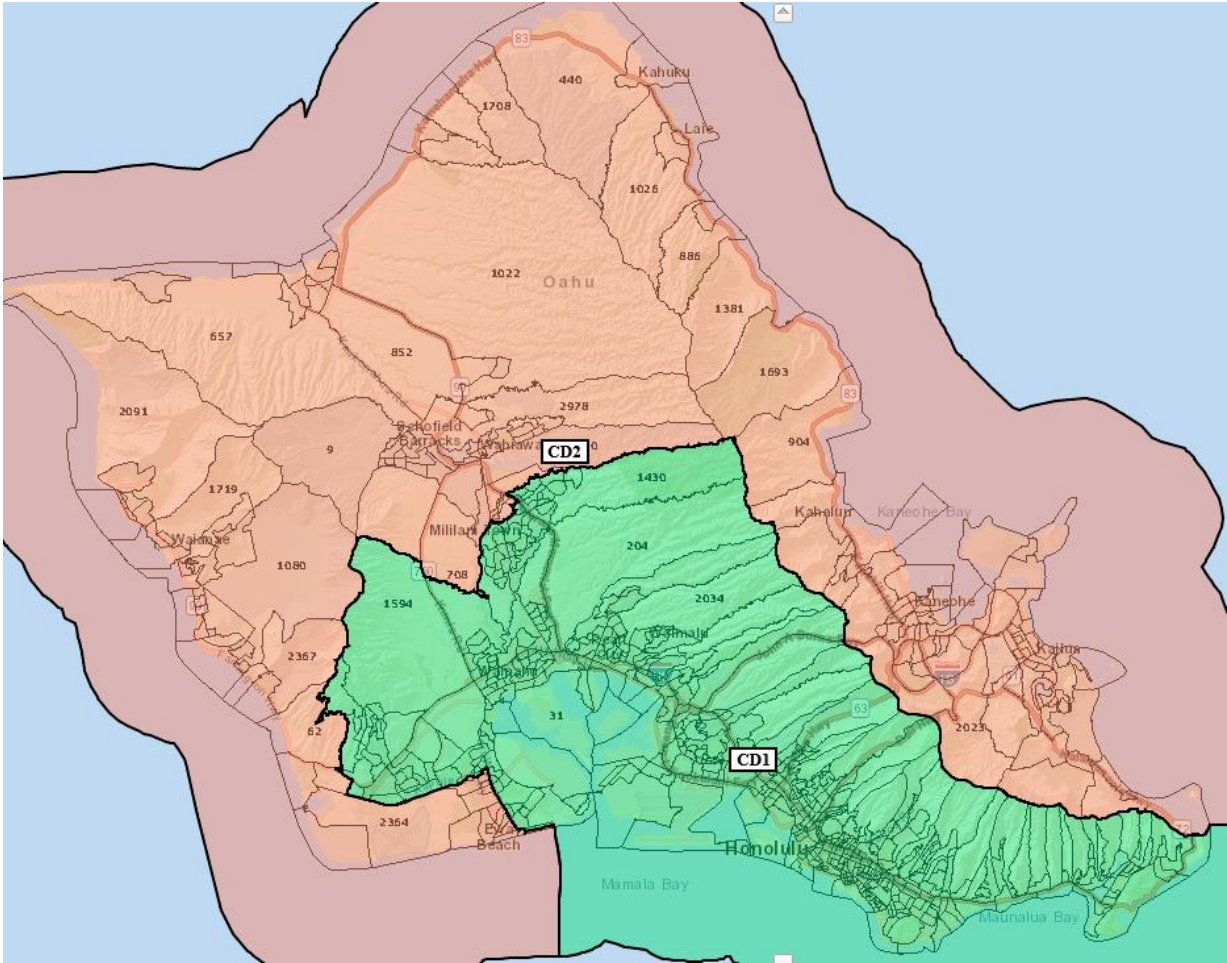
Aligned Plan: **ALL** 34 House Districts are contained within 1 Congressional District

- Uses Technical Committee’s House Plan & forms the Congressional District boundary along House District lines
- Technical Committee’s Plan:
 - On Oahu 6 House and 5 Senate Districts cross the Congressional District boundary

Every House District Fully Contained Within a Congressional District



34 House Districts (Technical Committee)



2 Congressional Districts Aligned with House Map

Aligned Congressional Plan (w/Technical Committee House Map)

Recommendations

- I urge the Reapportionment Commission to carefully examine the advantages of using an aligned approach for the Oahu Senate and Congressional maps.
 - It is logical
 - It provides greater coordination between 1 Senator and 2 Representatives who are all familiar with a community's local needs for schools, roads, and infrastructure
 - It complies with ALL Constitutional and HRS requirements
- Additionally on December 17, 2021 the Oahu Advisory Council recommended:
 - "Furthermore the OAC recommends that after there is evidence and confidence of accurate extraction numbers, Oahu maps be drawn in accordance with Article IV in it's entirety, which will establish Ka'ena Point and Makapu'u Point as natural boundaries for both house and senate districts."

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04:08 PM
Dkt. 21 EXH

APPENDIX S

PETITIONERS' PROOF OF VOTER REGISTRATION



Office of Elections

Identification Information Registration Status Contact Information Review

Results from the Hawaii Voter Registration System:

Name: HICKS, WILLIAM

County: HONOLULU

Voter Status: ACTIVE

[Start Over](#)

[View Voter Registration](#)



Office of Elections

Identification Information

Registration Status

Contact Information

R

Results from the Hawaii Voter Registration System:

Name: SCHAEFER, MADGE

County: MAUI

Voter Status: ACTIVE

[Start Over](#)

[View Voter Registration](#)

Start | DuckDuckGo — Privacy, simplified | PLEASE READ AND RESPOND - | State of Hawaii : Office of Electi | 11:23 AM 2/21/2022

https://olvr.hawaii.gov/register.aspx

Office of Elections

Identification Information

Registration Status

Contact Information

Review

Results from the Hawaii Voter Registration System:

Name: BOYEA, RALPH

County: HAWAII

Voter Status: ACTIVE

Start Over

View Voter Registration



Office of Elections

Identification Information Registration Status Contact Information Review

Results from the Hawaii Voter Registration System:

Name: IKEUCHI, MICHAELA

County: HAWAII

Voter Status: ACTIVE


Start Over

View Voter Registration

PLEASE READ AND RESPOND - P x State of Hawaii - Office of Electio x +

olvr.hawaii.gov/register.aspx

Apps Catchafire Retail Funding Guid... 2019-KaulunaniLL... PONO Archive - Pla... Hawaii State Legisla... Hawaii State Legisla... 2019-CD-OPERATI... Cypraedae - Marin... Pāhōnu | Images of... Reading list

 Office of Elections

Identification Information Registration Status Contact Information Review

Results from the Hawaii Voter Registration System:

Name: KANE, TROY ALLEN

County: HONOLULU

Voter Status: ACTIVE

Start Over View Voter Registration

Type here to search

75°F Partly cloudy 7:16 PM 2/21/2022



Office of Elections

Identification Information

Registration Status

Contact Information

Review

Results from the Hawaii Voter Registration System:

Name: MORINOUE, MAKI

County: HAWAII

Voter Status: ACTIVE

Start Over

View Voter Registration



Office of Elections

[Identification Information](#)[Registration Status](#)[Contact Information](#)

Results from the Hawaii Voter Registration System:

Name: MAYOR, ROBERTA

County: HONOLULU

Voter Status: ACTIVE

[Start Over](#)[View Voter Registration](#)



Office of Elections

Identification Information

Registration Status

Contact Information

Review

Results from the Hawaii Voter Registration System:

Name: WARD, DEBORAH

County: HAWAII

Voter Status: ACTIVE

Start Over

View Voter Registration

Identification Information	Registration Status	Contact Information	Review
Results from the Hawaii Voter Registration System:			
Name: VERAY, LARRY			
County: HONOLULU			
Voter Status: ACTIVE			
Start Over		View Voter Registration	



Office of Elections

Identification Information

Registration Status

Contact Information

Review

Results from the Hawaii Voter Registration System:

Name: LIENHART-TSUJI, JENNIFER

County: HAWAII

Voter Status: ACTIVE

[Start Over](#)

[View Voter Registration](#)



Office of Elections

[Identification Information](#) [Registration Status](#) [Contact Information](#) [Review](#)

Review Information

Please confirm that your information is accurate. If any information is not correct, click "Update". Otherwise, click "Finalize" to exit without updating.

Social Security Number XXXX	Date of Birth XX/XX/XXXX		County HAWAII
Last Name BARNES	First Name PHILIP	M.I. J	Suffix
Residence Address 64 AMAUULU RD		City/Town HILO	Zip 96720
Mailing Address 64 AMAUULU RD		City/Town HILO	Zip 96720
Phone Number (808) 825-3122	E-mail GREENHI3@YAHOO.COM		Ballot Language English

Alternate Format Ballot (AFB)

Ballot Mailing Address

64 AMAUULU RD
HILO, HI 96720

Pursuant to [Act 136, SLH 2019](#), all properly registered voters will automatically receive a mail ballot packet to the mailing address associated with their voter registration approximately 18 days prior to the election.

[Update](#)

[Start Over](#)

[Finalize](#)

hilo.hawaii.gov/register.aspx

SCPW No. _____

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

WILLIAM M. HICKS; RALPH BOYEA;
MADGE SCHAEFER; MICHAELA
IKEUCHI; KIMEONA KANE; MAKI
MORINOUE; ROBERTA MAYOR;
DEBORAH WARD; JENNIFER
LIENHART-TSUJI; LARRY S. VERAY; and
PHILIP BARNES,

Petitioners,

vs.

THE 2021 HAWAI'I REAPPORTIONMENT
COMMISSION AND ITS MEMBERS; THE
STATE OF HAWAI'I OFFICE OF
ELECTIONS; and SCOTT NAGO, in his
official capacity as Chief Elections Officer,
State of Hawai'i,

Respondents.

DECLARATION OF WILLIAM M. HICKS

DECLARATION OF WILLIAM M. HICKS

1. Except as otherwise explicitly provided, the following statements are true and accurate to the best of my knowledge and belief.
2. My name is William M. Hicks and I have been a registered voter in the State of Hawai'i since around 2005.

3. I am also a retired Navy Captain with a combined 48 years of service both on active duty in the U.S. Navy and as the civilian Director or Deputy Director of Submarine Operations at COMSUBPAC.

4. I have lived 28 of the last 36 years in the Enchanted Lake neighborhood in Kailua on O‘ahu. I am currently the Kailua Neighborhood Board Chair, but submit this declaration in my personal capacity.

5. I first got involved in the 2021 reapportionment process when I learned that the Hawai‘i Reapportionment Commission had proposed that my House district wrap around beyond Makapu‘u Point into the Portlock neighborhood of Hawai‘i Kai. Subsequently, I submitted written and oral testimony to the Reapportionment Commission, including several proposed redistricting maps for O‘ahu.

6. I prepared these maps to show to the Reapportionment Commission that the Makapu‘u wraparound House and Senate districts were unnecessary and that adhering to all constitutional criteria was both possible and preferable.

7. On January 16, 2022, I submitted a map for the senate districts on O‘ahu to the Reapportionment Commission for consideration. Attached as Appendix E is a true and correct copy of this map, which is also available on the State of Hawai‘i Office of Elections website at https://elections.hawaii.gov/wp-content/uploads/v1231OahuSenateHicks_0116_compare.pdf.

8. To create the January 16, 2022 O‘ahu senate plan, I used as a starting point the map for the house districts on O‘ahu that the technical committee permitted interaction group presented to the Reapportionment Commission at its January 13, 2022 meeting. I then utilized the proposed house districts, which presumably had been vetted by the technical committee

permitted interaction group, to create each senate district by simply joining two appropriate adjacent house districts together.

9. Also on January 16, 2022, I submitted a map for the congressional districts for Hawai'i. Attached as Appendix G is a true and correct copy of this map, which is also available on the State of Hawai'i Office of Elections website at <https://elections.hawaii.gov/wp-content/uploads/submitCongressionalHicks.pdf>.

10. To create the January 16, 2022 O'ahu congressional plan, I also used as a starting point the map for the house districts on O'ahu that the technical committee permitted interaction group presented to the Reapportionment Commission at its January 13, 2022 meeting. I then also utilized the proposed house districts as building blocks to create Congressional District 1 by joining 25 O'ahu house districts together. I also utilized the remaining house districts on O'ahu and the neighbor islands to create Congressional District 2. The congressional districts so created had a total population deviation less than the requisite 1%. When this congressional map is compared to my proposed senate map for O'ahu, a single senate district does cross over the congressional dividing line on O'ahu, however, all 51 house and 24 out of 25 senate districts are wholly contained within a congressional district.

11. I prepared a PowerPoint presentation to describe the January 16, 2022 Hicks Oahu Senate and Congressional Plans and submitted it as part of my written testimony for the January 20, 2022 Reapportionment Commission meeting. Attached as Appendix R is a true and correct copy of this presentation, which is also available on the State of Hawai'i Office of Elections website at <https://elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/>. After preparing the presentation, I realized that it was four house

districts of the technical committee group's proposed maps, not six as the presentation states, that crossed congressional district lines.

12. I reviewed the maps for the 2021 Final Legislative Reapportionment Plan to determine the house districts that overlap with multiple senate districts and the senate districts that overlap with multiple house districts. I also used these maps to determine the legislative districts that overlap both congressional districts. Attached as Appendix P is a true and correct copy of a spreadsheet that I prepared describing these overlaps.

13. As I testified on numerous occasions to the Reapportionment Commission, my main complaint with the 2021 Final Legislative Reapportionment Plan is that they did not wholly include house districts within senate districts, making it less likely that elected officials will have a shared understanding of their community's needs, complicating legislative coordination, and making it more difficult for neighbors to effectively advocate for their common interests to the Legislature.

I declare under penalty of law that the foregoing is true and accurate.

DATED: Kailua, Hawai'i, February 23, 2022

William M. Hicks

William M. Hicks

SCPW No. _____

IN THE SUPREME COURT OF THE STATE OF HAWAII

WILLIAM M. HICKS; RALPH BOYEA;
MADGE SCHAEFER; MICHAELA
IKEUCHI; KIMEONA KANE; MAKI
MORINOUE; ROBERTA MAYOR;
DEBORAH WARD; JENNIFER LIENHART-
TSUJI; LARRY S. VERAY; and PHILIP
BARNES,

Petitioners,

vs.

THE 2021 HAWAII REAPPORTIONMENT
COMMISSION AND ITS MEMBERS; THE
STATE OF HAWAII OFFICE OF
ELECTIONS; and SCOTT NAGO, in his
official capacity as Chief Elections Officer,
State of Hawai'i,

Respondents.

DECLARATION OF RALPH BOYEA

DECLARATION OF RALPH BOYEA

1. Except as otherwise explicitly provided, the following statements are true and accurate to the best of my knowledge and belief.
2. My name is Ralph Boyea and I have been a registered voter in the State of Hawai'i since around 1976.
3. I was also the Hawai'i Division Chief of the Hawai'i Government Employees Association when I retired.

4. I have lived in Hawai'i since 1974 and on a two-acre lot in Puna on the Island of Hawai'i for over 45 years.

5. I first got involved in the 2021 reapportionment process when I learned that my rural community of large lots with no municipal sewage system, paved roads, postal service, or high-speed internet would be part of a single house district together with parts of urban Hilo. Subsequently, I submitted written and oral testimony to the Reapportionment Commission, including several proposed redistricting maps for the Island of Hawai'i.

6. I prepared these maps to show to the Reapportionment Commission that the submergence of rural areas into urban and suburban areas was not necessary.


7. On January 19, 2022, I submitted a map for the house districts on the Island of Hawai'i to the Reapportionment Commission for consideration. Attached as Appendix F is a true and correct copy of this map, which is also available on the State of Hawai'i Office of Elections website at https://elections.hawaii.gov/wp-content/uploads/v1231HawaiiHouseBoyea_0119_compare.pdf.

8. To create the January 19, 2022, Island of Hawai'i house plan, I used as a starting point the map for the senate districts on the Island of Hawai'i that the technical committee permitted interactive group presented to the Reapportionment Commission at its January 13, 2022, meeting. I then utilized the proposed senate districts, which presumably had been vetted by the technical committee permitted interactive group, to create house districts by dividing the senate districts roughly in half in terms of their population while trying to keep alike communities together.

9. As I testified on numerous occasions to the Reapportionment Commission, I am concerned about the 2021 Final Legislative Reapportionment Plan's unexplained and arbitrary deviations from the constitutional criteria in Article IV, Section 6 of the Hawai'i Constitution.

I declare under penalty of law that the foregoing is true and accurate.

DATED: Kea'au, Hawai'i, February 22, 2022


Ralph Boyea

SCPW No. _____

IN THE SUPREME COURT OF THE STATE OF HAWAII

WILLIAM M. HICKS; RALPH BOYEA;
MADGE SCHAEFER; MICHAELA
IKEUCHI; KIMEONA KANE; MAKI
MORINOUE; ROBERTA MAYOR;
DEBORAH WARD; JENNIFER
LIENHART-TSUJI; LARRY S. VERAY; and
PHILIP BARNES,

Petitioners,

vs.

THE 2021 HAWAII REAPPORTIONMENT
COMMISSION AND ITS MEMBERS; THE
STATE OF HAWAII OFFICE OF
ELECTIONS; and SCOTT NAGO, in his
official capacity as Chief Elections Officer,
State of Hawai'i,

Respondents.

DECLARATION OF MATEO
CABALLERO

DECLARATION OF MATEO CABALLERO

1. Except as otherwise explicitly provided, the following statements are true and accurate to the best of my knowledge and belief.
2. My name is Mateo Caballero and I am duly licensed attorney in the State of Hawai'i representing the Petitioners in the above-captioned matter.
3. Based on my conversations with all Petitioners, the information provided about them in the Petition is true and correct and they all are prepared to submit declarations to that effect if necessary.

4. Attached hereto as Appendix A are true and correct copies of the maps for 2021 Final Legislative Reapportionment Plan, available on the State of Hawai‘i Office of Elections website at <https://elections.hawaii.gov/wp-content/uploads/HawaiiUnitRegions.pdf> for the Island of Hawai‘i, <https://elections.hawaii.gov/wp-content/uploads/MauiUnitRegions.pdf> for the islands of Maui, Lāna‘i, Moloka‘i and Kahoolawe, <https://elections.hawaii.gov/wp-content/uploads/KauaiUnitRegions.pdf>, for the islands of Kaua‘i and Niihau, and <https://elections.hawaii.gov/wp-content/uploads/OahuUnitRegions.pdf> for the island of O‘ahu and all other islands not specifically enumerated.

5. Attached hereto as Appendix B are true and correct copies of all agendas of the 2021 Reapportionment Commission meetings, available on the State of Hawai‘i Office of Elections website at <https://elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/>.

6. Attached hereto as Appendix C are true and correct copies of all written summaries of the 2021 Reapportionment Commission meetings, available on the State of Hawai‘i Office of Elections website at <https://elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/>.

7. Attached hereto as Appendix D are true and correct copies of rough transcripts by my paralegal of various relevant portions of the 2021 Reapportionment Commission meetings, available on the State of Hawai‘i Office of Elections website at <https://elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/> and on YouTube at <https://www.youtube.com/channel/UCxSC4DC5HxSHx-2knh89p3g>.

8. Attached hereto as Appendix H is a true and correct copy of a redline showing the changes that the rules committee permitted interaction group proposed to the Rules of the 2011

Reapportionment Commission and which the full Commission adopted on July 20, 2021 as the Rules of the 2021 Reapportionment Commission. The redline is available under the meeting materials for the Reapportionment Commission's July 7, 2021, meeting on the State of Hawai'i Office of Elections website at <https://elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/>.

9. Attached hereto as Appendix I is a true and correct copy of one of the slides used by reapportionment staff in their presentation explaining their method for extracting non-permanent residents from the Census data at the August 26, 2021, Reapportionment Commission meeting. The slide is available under the meeting materials for the Reapportionment Commission's August 26, 2021, meeting on the State of Hawai'i Office of Elections website at <https://elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/>.

10. Attached hereto as Appendix J is a true and correct copy of a table included in Appendix D (Non-Permanent Population Extraction for 2011 Reapportionment and Redistricting—Addendum) to the 2012 Supplement - Legislative Reapportionment Plan and Senate Staggered Terms prepared after *Solomon v. Abercrombie*, 126 Haw. 283, 270 P.3d 1013 (2012). The Appendix is available on the State of Hawai'i Office of Elections website at <https://elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/2011-reapportionment/>.

11. Attached hereto as Appendix K is a true and correct copy of the Standards and Criteria for the reapportionment of congressional and legislative districts adopted by the Reapportionment Commission at its September 9, 2021, meeting. The Standards and Criteria document is available under the meeting materials for the Reapportionment Commission's

September 9, 2021, meeting on the State of Hawai‘i Office of Elections website at <https://elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/>.

12. Attached hereto as Appendix L are true and correct copies of various resolutions and minutes passed by 11 neighborhood boards on O‘ahu rejecting or expressing disapproval about the Reapportionment Commission’s proposed legislative reapportionment plans. Upon information and belief, these boards represent roughly 300,000 O‘ahu residents.

13. Attached hereto as Appendix M is a true and correct copy of the Proposed Final State House Plan for Oahu that the technical committee permitted interaction group presented to the Reapportionment Commission at its December 22, 2021, meeting. The map is available under the meeting materials for the Reapportionment Commission’s December 22, 2021, meeting on the State of Hawai‘i Office of Elections website at <https://elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/>.

14. Attached hereto as Appendix N is a true and correct copy of one of the slides used by reapportionment staff in their presentation explaining the updated extraction numbers for military non-permanent residents at the January 3, 2022, Reapportionment Commission meeting. The slide is available under the supplemental meeting materials for the Reapportionment Commission’s January 3, 2022, meeting on the State of Hawai‘i Office of Elections website at <https://elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/>.

15. Attached hereto as Appendix O is a true and correct copy of one of the slides used by reapportionment staff in their presentation about the changes to the proposed legislative districts by the technical committee permitted interaction group at the January 13, 2022, Reapportionment Commission meeting. The slide is available under the meeting materials for the Reapportionment Commission’s January 13, 2022, meeting on the State of Hawai‘i Office of

Elections website at <https://elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/>.

16. Attached hereto as Appendix Q is a true and correct copy of one of the slides used by reapportionment staff in their presentation about the changes to the proposed legislative districts by the technical committee permitted interaction group at the January 26, 2022, Reapportionment Commission meeting. The slide is available under the meeting materials for the Reapportionment Commission's January 26, 2022, meeting on the State of Hawai'i Office of Elections website at <https://elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/>.

17. Attached hereto as Appendix S are true and correct copies of the proof of voter registration provided to me by all Petitioners from the State of Hawai'i Office of Elections website.

I declare under penalty of law that the foregoing is true and correct.

DATED: Honolulu, Hawai'i, February 23, 2022



Mateo Caballero

SCPW No. _____

Electronically Filed
Supreme Court
SCPW-22-0000078
23-FEB-2022
04:08 PM
Dkt. 25 COS

IN THE SUPREME COURT OF THE STATE OF HAWAII

WILLIAM M. HICKS; RALPH BOYEA;
MADGE SCHAEFER; MICHAELA
IKEUCHI; KIMEONA KANE; MAKI
MORINOUE; ROBERTA MAYOR;
DEBORAH WARD; JENNIFER
LIENHART-TSUJI; LARRY S. VERAY; and
PHILIP BARNES,

Petitioners,

vs.

THE 2021 HAWAII REAPPORTIONMENT
COMMISSION AND ITS MEMBERS; THE
STATE OF HAWAII OFFICE OF
ELECTIONS; and SCOTT NAGO, in his
official capacity as Chief Elections Officer,
State of Hawai'i,

Respondents.

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the following parties were served by electronic service on the JEFS System on February 23, 2022, through counsel at the following addresses:

HOLLY T. SHIKADA, ESQ.
Acting Attorney General, State of Hawaii
LORI TANIGAWA, ESQ.
Deputy Attorney General
Department of the Attorney General
425 Queen Street
Honolulu, Hawai'i 96813

Attorneys for Respondents
THE 2021 HAWAII REAPPORTIONMENT COMMISSION AND ITS MEMBERS
THE STATE OF HAWAII OFFICE OF ELECTIONS
SCOTT NAGO, CHIEF ELECTIONS OFFICER, STATE OF HAWAII

DATED: Honolulu, Hawai'i, February 23, 2022



MATEO CABALLERO
Attorney for Petitioners

SCPW-22-0000078

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

WILLIAM M. HICKS; RALPH BOYEA; MADGE SCHAEFER; MICHAELA IKEUCHI;
KIMEONA KANE; MAKI MORINOUE; ROBERTA MAYOR; DEBORAH WARD;
JENNIFER LIENHART-TSUJI; LARRY S. VERAY; and PHILIP BARNES,
Petitioners,

vs.

THE 2021 HAWAI'I REAPPORTIONMENT COMMISSION AND ITS MEMBERS; THE
STATE OF HAWAI'I OFFICE OF ELECTIONS; and SCOTT NAGO, in his
official capacity as Chief Elections Officer, State of Hawai'i,
Respondents.

ORIGINAL PROCEEDING

ORDER

(By: Recktenwald, C.J., Nakayama, McKenna, Wilson, and Eddins, JJ.)

Upon consideration of the petitioners' petition for a
declaratory judgment, writ of mandamus, and temporary injunction,
filed on February 23, 2022, the documents attached thereto and
submitted in support thereof, and the record,

It is ordered as follows:

1. The State of Hawai'i Office of Elections and the
Chief Election Officer are temporarily enjoined from making
available nomination papers pursuant to HRS § 12-2.5, pending

resolution of this petition.

2. Respondents shall file an answer to the petition by Thursday, March 3, 2022.

3. The appellate clerk shall serve a copy of this order upon the Attorney General of the State of Hawai'i and the respondents as required by HRAP Rule 21(c).

DATED: Honolulu, Hawai'i, February 24, 2022.

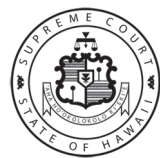
/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Todd E. Eddins



SCPW-22-0000078

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

WILLIAM M. HICKS; RALPH BOYEA; MADGE SCHAEFER; MICHAELA IKEUCHI;
KIMEONA KANE; MAKI MORINOUE; ROBERTA MAYOR; DEBORAH WARD;
JENNIFER LIENHART-TSUJI; LARRY S. VERAY; and PHILIP BARNES,
Petitioners,

vs.

THE 2021 HAWAI'I REAPPORTIONMENT COMMISSION AND ITS MEMBERS; THE
STATE OF HAWAI'I OFFICE OF ELECTIONS; and SCOTT NAGO, in his
official capacity as Chief Elections Officer, State of Hawai'i,
Respondents.

ORIGINAL PROCEEDING

ORDER GRANTING MOTION FOR CLARIFICATION AND EXTENSION OF TIME
(By: Recktenwald, C.J., Nakayama, McKenna, Wilson, and Eddins, JJ.)

Upon consideration of respondents' motion for
clarification of this court's February 24, 2022 order and
extension of time to file an answer,

It is ordered that the motion is granted as follows:

1. This court's February 24, 2022 order does not
preclude respondents State of Hawai'i Office of Elections and the
Chief Election Officer from making available nomination papers
for statewide offices that are unaffected by the final

reapportionment plan adopted by the 2021 Hawai'i Reapportionment Commission, such as the offices of the U.S. Senator, Governor and Lieutenant Governor, and the Office of Hawaiian Affairs Board of Trustees.

2. Respondents' answer to the petition is now due on Friday, March 11, 2022, by 12:00 p.m.

DATED: Honolulu, Hawai'i, February 25, 2022.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Todd E. Eddins

