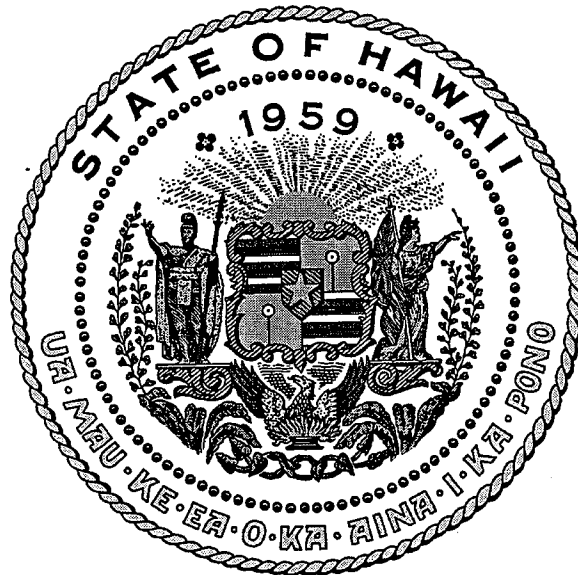


State of Hawaii

2001 Reapportionment Commission

Final Report and Reapportionment Plan



**Submitted to
The Twenty-First Legislature
Regular Session 2002**

Submitted by:

Office of Elections





STATE OF HAWAII
2001 REAPPORTIONMENT PROJECT

State Capitol, Room 411
Honolulu, Hawaii 96813

Wayne K. Minami
Chair

Jill E. Frierson
Vice-Chair

Deron K. Akiona

Lori J. G. Hoo

Shelton G. W. Jim On

Lynn C. Kinney

Kenneth T. G. Lum

Harold S. Masumoto

David W. Rae

The Honorable Robert Bunda, President
and Members of the Senate
The Honorable Calvin K.Y. Say, Speaker
and Members of the House of Representatives
Twenty-first State Legislature
State Capitol
Honolulu, Hawaii 96813

Dear Sirs and Mesdames:

The 2001 Reapportionment Commission submits the final Reapportionment Commission Report pursuant to Article III, Section 4, Hawaii State Constitution, and section 25-2, Hawaii Revised Statutes. This report addresses the plans adopted by the Commission to govern the election of the members of the next five succeeding legislatures of the State of Hawaii and also elections of the representatives of the State of Hawaii to the United States House of Representatives for the next five succeeding congresses commencing with the election of 2002.

The report discusses the work done by the Commission and offers recommendations for future reapportionments.

Sincerely,

WAYNE K. MINAMI, Chairperson

JILL E. FRIERSON, Vice-Chairperson

DERON K. AKIONA

LORI J.G. HOO

SHELTON G.W. JIM ON

LYNN C. KINNEY

KENNETH T.G. LUM

HAROLD S. MASUMOTO

David W. Rae **
DAVID W. RAE

** Mr. Rae approved the final report but was not available for signature prior to printing.



STATE OF HAWAII
2001 REAPPORTIONMENT COMMISSION
FINAL REPORT AND REAPPORTIONMENT PLAN

TABLE OF CONTENTS

	Page
Membership of the Commission and the Advisory Councils	1
Acknowledgments	2
Procedure Followed	4
Commission's Principal Tasks	11
Legal Constraints and Districting Criteria	11
The Reapportionment Plans	15
Staggering of State Senate Districts Seats	26
Recommendations for Future Reapportionment	27
Conclusion	30
Appendix A, Minutes of the Regular Meetings of the 2001 Reapportionment Commission	A-1
Appendix B, Summary of Correspondence Received Report and Recommendations from the Advisory Councils	B-1
Appendix C, Financial Report	C-1
Appendix D, District Boundary Descriptions of the 2001 Reapportionment Plan	D-1
Appendix E, Maps of the 2001 Reapportionment Plan	E-1



MEMBERSHIP OF THE COMMISSION AND THE ADVISORY COUNCILS

1. *The Commission.*

Article IV, Section 2, State Constitution, prescribes the manner in which the members of the reapportionment commission are to be appointed. Pursuant to this section, the President of the Senate, the Speaker of the House of Representatives, the leader of the minority party members of the Senate, and the leader of the minority party members of the House of Representatives, all of the State legislature, each appointed two persons to the 2001 Reapportionment Commission (the "Commission") as follows:

<i>Appointing Authority</i>	<i>Commission Members Appointed</i>
President of the Senate	David Rae Lynn Kinney
Speaker of the House of Representatives	Lori Hoo Harold Masumoto
Minority party leader, the Senate	Kenny Lum *Rick Clifton *Shelton Jim On
Minority party leader, the House of Representatives	Deron Akiona Jill Frierson

All of the above members, except Shelton Jim On, were appointed on or before May 1, 2001, as prescribed by the State Constitution. These members in turn selected Wayne K. Minami as the ninth member and chairperson of the Commission. This selection was made on May 31, 2001, within the thirty-day time period prescribed by the State Constitution for the appointment of the ninth member. Dwayne D. Yoshina, Chief Election Officer served as secretary to the Commission.

*Rick Clifton resigned from the Commission on July 6, 2001 and *Shelton Jim On was appointed to the Commission on July 19, 2001.

2. *The advisory councils.*

At the same time that they each named two members to serve on the Commission, the appointing authorities, pursuant to the State Constitution, each appointed one member to each of the basic island unit's apportionment advisory councils, as follows:

2001 Reapportionment Commission, Final Report and Reapportionment Plan

Appointing Authority

President of the Senate

Speaker of the House of Representatives

Minority party leader, the Senate

Minority party leader,
the House of Representatives

Advisory Council Members Appointed

Georgine Busch - Hawaii
Dennis Esaki - Kauai
Manuel Moniz - Maui
Robert Ogawa - Oahu

Wayne Metcalf - Hawaii
Jerome Hew - Kauai
Mark Andrews - Maui
Stephen Goodenow - Oahu

Frank Jung - Hawaii
Betty Chandler - Kauai
Frederick Rohlfing - Maui
Geal Talbert - Oahu

Shirley Spencer - Hawaii
Trinette Kauai - Kauai
Madge Schaefer - Maui
James Hall - Oahu

ACKNOWLEDGMENTS

Throughout the performance of their reapportionment and redistricting tasks, the members of the Commission have been reminded of the great magnitude of their responsibilities. The Commission could not have discharged these responsibilities but for the encouragement and assistance of many people. The Commission owes a debt of gratitude to each of them. In particular, the Commission wishes to acknowledge with heartfelt thanks the assistance of the following.

1. The Public.

During the course of its deliberations, the Commission had the opportunity to hear from and discuss with various people in the community the many aspects of reapportionment and redistricting. To name all such persons individually would result in an exhaustive list. A limited listing of these people are contained in those sections of this report dealing with the Commission's public hearings. The Commission would like to thank all members of the public who participated in the Commission's public hearings and meetings or who provided written testimony or comments to the Commission.

2001 Reapportionment Commission, Final Report and Reapportionment Plan

2. The Advisory Councils.

Under the State Constitution, the advisory councils of each basic island unit were vested with the responsibility of advising and counseling the Commission with respect to reapportionment and redistricting within that basic island unit. The Commission notes that every council discharged that responsibility well. The Commission is grateful for the work of the councils in measuring the pulse of their respective basic island units and in recommending changes to the plans for their respective island units. A portion of the final reapportionment plan for the State legislative districts reflects the views and recommendations of the advisory councils.

3. The Project Office Staff.

The project office staff was responsible for technical, logistical, and support services to the Commission including the day-to-day operations of the Commission's office. The Office of Elections provided the project office staff. The Commission is very appreciative of the work performed by the project office staff. Without the project office staff's great and diligent efforts, the Commission could not have completed its work in the limited time provided. The project office staff included:

David J. Rosenbrock, Project Manager
Lawrence F. Chun, Administrative Assistant
Darlene K. Naluai, Secretary
Cynthia H. Fukunaga, Geographic Information System Technician
Strather D. Ing, Geographic Information System Technician

4. Office of Elections

In addition to the project office staff, the Office of Elections staff provided additional logistical and support services to the Commission and the project office.

Dwayne Yoshina, Chief Election Officer
Rex Quidilla, Administrative Assistant
Scott Nago, Counting Center Section Head
Robynn Yokooji, Election Support Services Section Head
John Klaneski, Election Support Services Specialist
Linda Lee, Secretary
Amy Kam, Clerk Steno
David Takashima, Acting Computer Services Section Head
Les Yoshinaga, Programmer/Analyst
Mike Adelman, Warehouse Supervisor
Wayne Hirayama, Warehouse Crew Chief
Lori Tomczyk, Ballot Operations Section Head
Stacy Honma, Ballot Operations Specialist
Estelle Allen, Voter Services Section Head

2001 Reapportionment Commission, Final Report and Reapportionment Plan

Darcie Ching, Precinct Operations Specialist
Jill Umetsu, Voter Services Specialist
Willow Cole, Voter Services Specialist
Rhowell Ruiz, Clerical
Charles Yamanaka, Volunteer

5. *Professionals.*

The Commission relied on a team of professionals from the Department of the Attorney General and the community to aid them both in understanding the problems related to reapportionment and in performing the Commission's various tasks. These individuals were consulted by the Commission to provide legal, statistical and logistical services:

Brian P. Aburano, Deputy Attorney General
Aaron H. Schulaner, Deputy Attorney General
James T. Funaki, Attorney at Law
Royce Jones, Environmental Systems Research Institute
Rod Low, Environmental Systems Research Institute
Harley Pennington, Carter & Burgess Inc.
Sherry Amundson, Maptech Inc.
Peter Kay, CyberCom Inc.

PROCEDURE FOLLOWED

In the development of its final plans for the reapportionment and redistricting of the U.S. Congressional Districts and the State legislative districts, the Commission proceeded as follows:

1. *Legal and statistical background.*

At the outset, the Commission sought to familiarize itself with the legal and statistical aspects of reapportionment and redistricting. In this respect, the members of the Commission reviewed or were briefed on matters including, but not limited to, the following:

- a. The requirements for reapportionment and redistricting set forth in Article IV of the State Constitution and Chapter 25 of the Hawaii Revised Statutes.
- b. Relevant court decisions regarding reapportionment and redistricting. In particular, the Commission considered case decisions such as Reynolds v. Sims, 377 U.S. 533 (1964); Burns v. Richardson, 384 U.S. 73 (1966); Travis v. King, 552 F. Supp. 554 (D. Haw. 1982); and Burns v. Gill, 316 F. Supp. 1285 (D. Haw. 1970).
- c. The final reports of prior reapportionment commissions.
- d. Information from the 2000 U.S. Census as it related to the existing U.S. Congressional and State legislative districts;

2001 Reapportionment Commission, Final Report and Reapportionment Plan

- e. The results of the 2000 general election.
- f. Other publications regarding the legal principles governing reapportionment and redistricting and statistical information relevant to reapportionment and redistricting.

2. Advisory Council Meetings.

Although not required by either the State Constitution or by State statute, the Commission directed the project office staff to support the advisory councils and conduct a series of public meetings at various places in each basic island unit. The purpose of this series of meetings was to present information about reapportionment and redistricting and to present the criteria the Commission developed for its reapportionment plans. In this series of meetings, the advisory councils were most helpful in preparing the public for participation in the reapportionment process. The places at which the public meetings were held were as follows:

<i>Date</i>	<i>Place</i>
July 6	Kauai Historic County Building Council Chambers, 9:00 a.m.
10	Oahu, State Capitol Room 329, 2:00 p.m.
11	Maui County Building, Council Chambers, 1:00 p.m.
13	Law Offices of Jung & Vassar Hawaii Advisory meeting, 9:30 a.m.
13	Hilo, University of Hawaii-West Center (video conferencing 12:00pm) Hilo, University of Hawaii-Hilo Library (video conferencing)
19	Oahu, State Capitol Room 329, 10:00 a.m. (All Islands)
23	Kona, University of Hawaii-West Center (video conferencing 5:00 p.m.) Hilo, University of Hawaii-Hilo Library (video conferencing)
Aug 1	Hilo, University of Hawaii-Hilo Library (video conferencing 5:00 p.m.) Kona, University of Hawaii-West Center (video conferencing)
6	Kauai, Kilauea Elementary School Cafeteria, 7:00 p.m.
9	Oahu, Washington Intermediate School Cafeteria, 7:00 p.m.
16	Oahu, Castle High School Cafeteria, 7:00 p.m.
21	Kauai, Historic County Building, Council Chambers, 5:00 p.m.
23	Oahu, Mililani High School Cafeteria, 7:00 p.m.
Sept 5	Oahu, Waiialua High School Cafeteria, 7:30 p.m.
11	Oahu, Hawaii State Capitol, Auditorium, 7:00 p.m.

2001 Reapportionment Commission, Final Report and Reapportionment Plan

Oct	29	Kauai, Historic County Building, Council Chambers, 5:30 p.m.
	31	Maui County Building, Council Chambers, 2:00 p.m.
Nov	1	Kona, Law Offices of Jung & Vassar, 5:00 p.m.
	14	Oahu, Hawaii State Capitol, Auditorium, 7:00 p.m.

3. *Criteria development.*

The Commission closely reviewed the reapportionment and redistricting criteria set forth in the State Constitution and Hawaii Revised Statutes. In addition, the Commission developed other standards and criteria to guide it in performing its reapportioning and redistricting tasks. For example, the Commission: (a) defined the "permanent resident" population base that it would use in reapportioning and redistricting the State legislative districts, and (b) decided not to use multi-member districts in its reapportionment plans. Other standards and criteria used by the Commission are discussed later in this report. The standards and criteria were adopted at the Commission's public meeting on June 28, 2001.

4. *Initial reapportionment plans.*

The Commission formed a Technical Committee to investigate possible reapportionment plans for the Commission's consideration. Based on proposals from its Technical Committee, and after an opportunity for public comment, the Commission adopted an initial set of reapportionment plans for both the U.S. Congressional Districts and State legislative districts. These actions were taken by the Commission at its meetings on July 26, 2001 (U.S. Congressional Districts) and August 9, 2001 (State legislative districts).

5. *Initial public hearings.*

As required by Section 25-2 of the Hawaii Revised Statutes, the Commission held a series of public hearings on its initial proposed reapportionment plans in all of the basic island units. The hearings began on September 10, 2001 (twenty days after the publication of the proposed plans) and concluded on October 3, 2001. The places at which the hearings were held and the names of the people who attended the hearings (the "witnesses") were as follows:

September 10, 2001

Hawaii County Council Chambers

Hilo, Hawaii

Witnesses

Don Jacobs, Ron Phillips, Jon Olson, Harry Kim, Bobby Cooper, Charles Cartwright, Edwin J. Miller, Denyse Temple, Richard Baker Jr., Rene Siracusa, John H. Cort, Linda Ball, Dale Dinsmore, Stan Dinsmore, Ed Breen, Maryjeane Horton, Terry Horton, Edward Clark, Linda Lingle, Barry Taniguchi, Paula Helfrich, Mary Begier, Tiffany Edwards, Donna Thomas, Ron Phillips, Gary Safark, Wayne Metcalf, Carol R. Campbell, Donald Tinker, Malcolm Osaki, Mildred Cort, Helene Hale, John Turner, D.W. Rose, B.

2001 Reapportionment Commission, Final Report and Reapportionment Plan

Hastings, Athena Peanut, Andrea Kekoa, Lowell Dicey, Jane Gibson, Wendy Asato, Leroy Simms Jr., Rodney Rivera, Noelle Rodriguez, Leila Kealoha

September 17, 2001

Kaunakakai Elementary School Cafeteria

Molokai

Witnesses

None

September 18, 2001

Ala Wai Elementary School Cafeteria

Honolulu, Oahu

Witnesses

Geal Talbert, Janis Higaki, L.T. McGranaghan, Georgia Miller, Russell Mokulehua, Barbara Marumoto, Pat Omandan, Steve Goodenow, Shawn Miyashiro, Jeremy Lam, George Nakano, John Steelquist, Brian Taniguchi, Dennis Wong, Joan Shinn, Janet Inamine, Jan Costain, Clifton Takamura, Jimmy Toyama, Louis P. Xigogiouis, Rod Tam, Charles Hakaima Jr., Tom Brower, Brian Akana, Bob Ogawa, Bertha Leong, Jim Hall, Scott Saiki, Jan Taniguchi, Wayne Gran, B. Goldenberg, Terrence Aratani, Galen Fox, Lester L. Fung, S.A. Knauer, Michele Matsuo, Mindy Jaffe

September 19, 2001

Waipahu High School Cafeteria

Waipahu, Oahu

Witnesses

Janice Anzai, Clay Anzai, Felice Guillermo, Hernani Valenzuela, Jimmy Toyama, Mary Lee, Mike Golojuch, Edward A. Baratti, Michael P. Kahikina, M.A. Glover, Josh Heimonitz, Roni Munekatu, Steve Goodenow, Alex M. Sonson, Charles Fakler, JoAnn Fakler, Tracy Kim, Blas A. Silva, Wendy K, Nihoa, Kathleen M. Palmi, Beajaye Sacamos, Sten Ring, Richard Oshiro, Connie Herolagu, Darlene Baird, Kevin Wong, Cathy Wong, Glen Takahashi, Sak Moses, Marilyn Inouye, Justina Lagmay, Sen. Brian Kanno, Wade Thode, Leonor Redan, J. Tomei, Art Frank, Rep. Mark Moses, Roy Takumi, Cal Kawamoto, Sam Lee, Julie R. Duldulao, Benny Arreola, Hermina Morita, Pam Lee Smith, Tesha H. Malama, Margaret Sagaysay, Laurence Sagaysay, Theresa Dularson, Geri R. Aranaydo, Jacqueline S. Oxiles, D. Alciona, Michele Morris

September 20, 2001

Lanai High School Cafeteria

Lanai

Witnesses

None

2001 Reapportionment Commission, Final Report and Reapportionment Plan

September 24, 2001

Kauai Historical County Building

Kauai

Witnesses

Ellen Schwartz, Jimmy Torio, Marie Torio, Nina Magoun, Nate James, William Georgi, Carol Bain, Ron Agor, Betty Steputis, Ernie Pasion, Trinette Kauai, Robert Steputis, Jerome Hew, John A. Love, Carl Berg, Barbara Robeson, Evelyn de Buhr, Martin Rice, Betty Chandler, Scott Robeson, Frank Rothschild, Tomy Sommer, Ray Chuan, Gary Hoosen, Michael Edwards, Dennis Esaki, Paul Curtis, Judy Dalton, Jennie T. Yukimura

September 25, 2001

Kalani High School Cafeteria

Honolulu, Oahu

Witnesses

Terry Nui Yoshinaga, Judy Gold, Joan Shinn, Marguerite Ige, Lester L. Fung, Bertha Leong, Russell Mokulehua, Jane Moon, Ross Moon, Lokelani Laybon, Tom Heingric, Janis Higaki, Steve Knauer, Poni Daines, Jack Schneider, Steve Goodenow, Frances Hardy, Michelle Schneider, James V. Hall, Barbara Marumoto, Willes Lee, Daisy M. Murai, Terrence Aratani

September 26, 2001

Hale Halawai,

Kailua-Kona

Witnesses

Peter E. Martin, Robert Meierdiercks, Daniel G. Medeiros, Larry Ford, Jeff Turner, Francis L. Jung, Daniel Morimoto, Robynn Yokooji, Estelle Allen, Paul Whalen, Shirley Spencer, Bobby Command, Georgine Busch, Virginia Isbell, Richard Smith, Sandra Scarr, Jim Rath, Karen Bergstrom, Mark Jernigan, David Holzman, Brenda Ford

September 27, 2001

Aikahi Elementary School Cafeteria

Kailua, Oahu

Witnesses

Sam Moku, Steve Goodenow, Charles Dijon, Lester Fung, Brian Fuchigami, Shannon Wood, Bob Carter, James Corcoran, Patricia Aburano, George Okuda, Jim Henshaw, Barbara Cool, Donald Hasenyaga, Ed Bennett, Charles Prentiss, Roger Wickenden, Bill Chung, Myrna Zezza, Juanita Schiltz, Joe Gomes, Jimmy Toyama, Doug White

October 2, 2001

Lahaina Civic Center

Lahaina, Maui

Witnesses

Jan Shishido, Allen Shishido Kirk Hunt, Buck Buchanan, Robert Hartman, Jo Anne Johnson, Tyler Lee, Brian Perry, Johnny Nowell, Jack Nowell, Joan Junt, Ron David, Ezekiel Kalua, Joe Pluta, Nancy Sherman, Carole Ameral, Joe Craig, Joanne Craig,

2001 Reapportionment Commission, Final Report and Reapportionment Plan

Madge Schaefer, Frederick Rohlfing, Chris Halford, Dan Collins, Georgia Skinner, Pamela Dodson, Lloyd Yonenaka, Brian Blundell, Peggy Robertson, Mike Szymanski, Jim Johnson

October 3, 2001

Maui Waena Intermediate School Cafeteria

Kahului, Maui

Witnesses

Chris Halford, Brian Perry, Kika Bukoski, Ted Stanich, Nikhilananda, Jonathan Starr, Avery B. Chumbley, Morris Haole Jr., Teena Rasmussen, Dick Mayer, Gail Takeuchi, Madge Schaefer, Ben Kahana, George Kahana, Marcia Klompus, Deidre Kelley, Jessica Tawney, Lenny Klompus, Lynne Woods, Alfred Arensdorf, Marilyn Cuphoy, Zandra Souza Amaral, David Brown, Mark Andrews, Fred Rohlfing, Ry Barbin, Alan Arakawa, David Deleun, H. Schmidt, Lillian Koller Schmidt, George Kaya, Hari Ajmani, Pearl Kaya, Linda Lingle, Allen Shishido

In order to get as much public exposure as possible, the Commission authorized a number of public hearings to be videotaped for showing on public Television.

Akaku Maui Community Television

September 17, 2001 Molokai
October 02, 2001 Lahaina, Maui
October 03, 2001 Kahului, Maui

Hoike Kauai Community Television

September 24, 2001 Lihue, Kauai

Jim McRae

September 26, 2001 Kailua-Kona, Hawaii

Out of the Sea

September 10, 2001 Hilo, Hawaii

Omnipath Media, Inc.

September 18, 2001 Ala Wai Elementary School, Honolulu
September 19, 2001 Waipahu High School, Waipahu
September 25, 2001 Kalani High School, Honolulu
September 27, 2001 Aikahi Elementary School, Kailua

2001 Reapportionment Commission, Final Report and Reapportionment Plan

6. Revised reapportionment plan.

Based on public comments that were received at the public hearings as well as at its public meetings and via correspondence, the Commission decided to: (a) eliminate the "canoe districts" that were in its initial reapportionment plan for the State legislative districts; and (b) reconsider its definition of the "permanent resident" population base that it had used to reapportion and redistrict the State legislative districts. In this last respect, it decided to exclude the dependents of non-resident military members from the reapportionment population base as had been done by the 1991 Reapportionment Commission. These actions were taken by the Commission at its meeting on October 25, 2001.

As a result of the decisions made at its October 25, 2001 meeting, the Commission had to make substantial revisions to its initial reapportionment plan for the State legislative districts. Based on a proposal from its Technical Committee and after an opportunity for public comment, the Commission brought out a revised reapportionment plan for the State legislative districts at its meetings on October 25 and October 30, 2001.

7. Second public hearings.

Due to the substantial nature of the revisions that it made to its initial reapportionment plan for the State legislative districts, the Commission decided to have a second set of public hearings on each of the basic island units. The second set of hearings were held as follows:

November 19, 2001

Kauai Historic County Building

Lihue, Kauai

Witnesses

Ernie Pasion, Lyndon Yoshioka, Donald Kagawa, Betty Chandler, Dennis Esaki, Jerome Hew

November 20, 2001

Maui Waena Intermediate School Cafeteria

Kahului, Maui

Witnesses

Roy Hiraga, Chris Halford, Diane Nakamatsu, Mark Andrews, Nikhilananda, Scott Nago

November 26, 2001

Hilo County Building

Hilo, Hawaii

Witnesses

Denyse Temple, Dave Smith, Helene Hale, Wayne Metcalf

2001 Reapportionment Commission, Final Report and Reapportionment Plan

November 26, 2001

Kona Vistas Recreation Center

Kona, Hawaii

Witnesses

Shirley Spenser, Moe Whitting, Sandra Scarr, Georgine Busch, Peter Martin, Patt Cook, Francis Jung

November 27, 2001

Hawaii State Capitol Auditorium

Honolulu, Oahu

Witnesses

Clyde Morita, Tom Heinrich, Brian Fuchigami, Shannon Wood, Janis Higaki, Sharon Miyashiro, Brad Mossman, Clifton Takamura

November 27, 2001

Waipahu High School Cafeteria

Waipahu, Oahu

Witnesses

Alex Sonson, Cal Kawamoto, Mora Tomura, Brian Kanno, Jimmy Toyama, David Pagan, Steve Goodenow, Scott Smart

8. Decision.

Based on public comments received at the second set of public hearings as well as at its public meetings and via correspondence, the Commission made further corrections to its revised reapportionment plan for the State legislative districts. At its meeting on November 30, 2001, the Commission adopted: (a) the final reapportionment plan for the U.S. Congressional Districts in the State of Hawaii; (b) the final reapportionment plan for the Senate and House of Representatives of the State of Hawaii Legislature; and (c) adopted a designation of the Senate district seats that would receive two-year and four-year terms. The final reapportionment plans adopted by the Commission appear in Appendix E to this report.

COMMISSION'S PRINCIPAL TASKS

The Commission had the responsibility to accomplish three basic tasks: (1) redraw the U.S. Congressional Districts of the State of Hawaii; (2) reapportion and redistrict the Senate and House of Representatives of the State of Hawaii Legislature; and (3) designate twelve of the twenty-five State of Hawaii Senate district seats that will have two-year terms in the election immediately following the 2001 reapportionment.

LEGAL CONSTRAINTS AND DISTRICTING CRITERIA

In the performance of its task, the Commission was guided by certain criteria and legal requirements. Among them were federal constitutional standards and state constitutional requirements.

2001 Reapportionment Commission, Final Report and Reapportionment Plan

1. Federal Constitution

a. U.S. Congressional Districts.

Article I, Section 2 of the United States Constitution establishes a high standard of justice and common sense for the apportionment of U.S. Congressional Districts, i.e., “equal representation for equal numbers of people”. Karcher v. Daggett, 462 U.S. 725, 730 (1983) citing Wesberry v. Sanders, 376 U.S. 1, 18 (1964). In apportioning U.S. Congressional Districts, the standard is that such districts are to be apportioned to achieve population equality “as nearly as is practicable”. Karcher, 462 U.S. at 730. Congressional redistricting plans with maximum deviations in population of up to .82% have been approved by federal courts. See Hebert and Verrili, “The Realists’ Guide to Redistricting”, ABA Section of Administrative Law and Administrative Practice, at page 6 (2000).

b. State Legislative Districts.

The Equal Protection Clause of the Fourteenth Amendment to the United States Constitution also requires that both houses of a bicameral state legislature be apportioned substantially on a population basis. In Reynolds v. Sims, 377 U.S. 533, 577 (1964), the United States Supreme Court stated:

[W]e mean that the Equal Protection Clause requires that a State make an honest and good faith effort to construct districts, in both houses of its legislature, as nearly of equal population as is practicable. We realize that it is a practical impossibility to arrange legislative districts so that each one has an identical number of residents, citizens, or voters. Mathematical exactness or precision is hardly a workable constitutional requirement.

The U.S. Supreme Court has allowed more flexibility in population deviations with respect to state legislative reapportionment than for federal congressional redistricting. Mahan v. Howell, 410 U.S. 315, 321-322 (1977). As a general matter, the U.S. Supreme Court has held that state legislative reapportionment plans with a maximum population deviation under 10% are prima facie constitutional while those above 10% are prima facie discriminatory and must be justified by the state. Brown v. Thomson, 462 U.S. 835, 842-843 (1983). It has also held that state legislative plans with a maximum population deviation in excess of 10% can be justified by a state policy that seeks to preserve the integrity of political subdivisions. Brown, 462 U.S. at 843-844 and Voinovich v. Quilter, 507 U.S. 146, 161-162 (1993). To date, the U.S. Supreme Court has not expressly stated how much of a maximum population deviation may be permitted in order to preserve the integrity of state political subdivisions. Cf. Gorin v. Karpan, 775 F. Supp. 1430, 1438 (D. Wyo. 1991).

2001 Reapportionment Commission, Final Report and Reapportionment Plan

The U.S. Supreme Court has held that in reapportioning state legislative districts, a slight overrepresentation of a particular area in one house could be balanced with minor underrepresentation of that area in the other house. Lucas v. Forty-Fourth General Assembly of State of Colo., 377 U.S. 713, 735, fn. 27 (1964); Reynolds, 377 U.S. at 577.

The United States Supreme Court has not specified what population base must be used to reapportion and redistrict state legislative districts. In Davis v. Mann, 377 U.S. 678, 691-692 (1964), the United States Supreme Court held that a state could not exclude from the reapportionment population base, a class of persons (military and military related personnel) based solely on the nature of their employment. However, the Court later stated that nothing in its prior decisions was meant to require the states to include in their reapportionment population base, "aliens, transients, short-term or temporary residents, or persons denied the vote for conviction of a crime". Burns v. Richardson, 384 U.S. 73, 92 (1966). Further, with respect to its decision in Davis v. Mann, the Court said:

Discrimination against a class of individuals, merely because of the nature of their employment, without more being shown, is constitutionally impermissible. [citation omitted]. Where the exclusion is of those not meeting a State's residence requirements, however, different principles apply. The difference between exclusion of all military and military-related personnel, and exclusion of those not meeting, a State's residence requirements is a difference between an arbitrary and a constitutionally permissible classification.

(Burns, 384 U.S. at 93, fn. 22.)

2. *State Constitution and Laws*

a. *U.S. Congressional Districts.*

With respect to U.S. Congressional Districts, Section 25-2 of the Hawaii Revised Statutes required the Commission to determine the total number of members to which the State is entitled, and to then apportion those members into single member districts so that the average number of persons in the total population of such districts (based on the last preceding U.S. Census) shall be as nearly equal as practicable. In addition, it provides that the Commission shall be guided by certain criteria including the following:

- (1) No district shall be drawn so as to unduly favor a person or political faction;
- (2) Except in the case of districts encompassing more than one island, districts shall be contiguous;
- (3) Insofar as practicable, districts shall be compact;

2001 Reapportionment Commission, Final Report and Reapportionment Plan

- (4) Where possible, districts lines shall follow permanent and easily recognized features, and where practicable, shall coincide with census tract boundaries; and
- (5) Where practicable, submergence of an area in a larger district wherein substantially different socio-economic interests predominate shall be avoided.

b. State Legislative Districts.

With respect to the State legislative districts, Article IV of the State Constitution provides for reapportionment to be performed using the following steps. First, the Commission is to allocate the total number of members of each house of the State legislature among the four basic island units, using the total number of permanent residents in each of the basic island units (Hawaii, Maui, Kauai and Oahu), and computed using the method of equal proportions. Second, the Commission is to draw the district lines within each basic island unit so that for each house the average number of permanent residents per member is as nearly equal to the average for the basic island unit as practicable. In effectuating this redistricting, the Commission is to be guided by certain specified criteria, including the following:

- (1) No district shall extend beyond the boundaries of any basic island unit;
- (2) No district shall be drawn so 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, districts lines shall follow permanent and easily recognized features, and where 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.

In Blair v. Ariyoshi, 515 P.2d 1253 (Haw. 1973), the Hawaii Supreme Court upheld the 1973 Reapportionment Commission's action in assigning seats in the state legislature so as to balance the overrepresentation of the basic island unit of Kauai in the House of Representatives (-20.98%) with underrepresentation of that basic island unit in the Senate (+16.19%). The Court said it was satisfied that the allocation in question was an eminently reasonable one, and that the Commission had made a good faith effort to achieve statewide voter equality.

2001 Reapportionment Commission, Final Report and Reapportionment Plan

3. *Other Standards and Criteria.*

In performing its reapportionment and redistricting responsibilities, the Commission also adopted other standards and criteria including, but not limited to, the following: (1) no splitting of census blocks; (2) attempting to maintain the integrity of existing districts; and (3) within each basic island unit, trying to keep the population deviations of all districts within plus or minus 5% of the ideal district size for that basic island unit.

The project office staff and professional consultants advised the Commission to avoid splitting census blocks, as that would require staff to go to the blocks that were split and attempt to ascertain the number of permanent residents in each portion of the split block. The Commission had neither the time nor the staff to perform such work.

The Commission decided to attempt to maintain the integrity of existing districts for a number of reasons. The Commission felt that maintaining existing districts would create less confusion for voters who had grown used to their current districts. The Commission also felt that maintaining existing districts would help residents maintain their relationship with the legislators that currently represented them. At several of the public hearings, residents of current districts voiced displeasure at losing their relationship with their current legislators as a result of the Commission's proposed reapportionment plans. Finally, it appeared to the Commission that the existing districts represented the work of prior reapportionment commissions that had attempted to align districts with geographic features of and communities of interest in the State.

The Commission attempted to keep population deviations within each basic island unit within plus or minus 5% of the average population of districts in that basic island unit in order to comply with Article IV, Section 6, State Constitution. The amount of the deviation standard was based on federal constitutional law which holds that deviations up to 10% are prima facie constitutional for state legislative reapportionment and redistricting.

THE REAPPORTIONMENT PLANS

1. *U.S. Congressional Districts*

a. General description of the redistricting plan.

The Commission determined that the State was entitled to two members in the U.S. Congress. Under Section 25-2(b) of the Hawaii Revised Statutes, the Commission was required to apportion those two members among single member districts so that the average number of persons in the total population counted in the last U.S. Census per member per district was as nearly equal as possible.

Based on the 2000 U.S. Census, the Commission determined that the current U. S. Congressional Districts needed to be adjusted as:

2001 Reapportionment Commission, Final Report and Reapportionment Plan

- (1) The total population of the State of Hawaii was 1,211,537 persons;
- (2) The ideal district size of the two Congressional Districts was, therefore, 605,769 persons;
- (3) Congressional District No. 1 was 568,524 persons or 6.15% below the ideal district size; and
- (4) Congressional District No. 2 was 643,013 persons or 6.15% above the ideal district size.

In the Commission's final redistricting plan, Congressional District No. 1 is 606,718 persons, and Congressional District No. 2 is 605,819 persons. The final redistricting plan appears as part of Appendix E to this report.

b. Explanation and justification of deviations.

Under the Commission's final redistricting plan, the deviation between the two Congressional Districts is 0.32%. This percentage is within the deviations that have been found acceptable in the past by the U.S. Supreme Court.

2. State Legislative Districts

a. A general description of the reapportionment plans.

(1) The reapportionment base.

In 1992, the State Constitution was amended to provide for future reapportionment commissions to use the total number of "permanent residents" to reapportion and redistrict the State legislative districts. The Commission struggled with the issue of what constituted the "permanent resident" reapportionment population base mandated by the State Constitution. The struggle was primarily over whether or not to include the dependents of military personnel where the military personnel but not the dependents had expressly indicated a state of residence other than Hawaii.

Proponents of including military dependents argued that: (a) the exclusion of such dependents violated federal law; (b) the bias of federal law was in favor of inclusion in the reapportionment population base rather than exclusion, (c) there was no evidence that the dependents lacked the intention of being residents of Hawaii, (d) case law from other jurisdictions indicated that the Commission had the ability to include the dependents in the reapportionment population base; and (e) the dependents needed or should have representation in the State legislature since they paid State taxes, went to State schools, and worked and participated in the local community.

2001 Reapportionment Commission, Final Report and Reapportionment Plan

Opponents of including the military dependents argued that: (a) U.S. Supreme Court decisions to date did not require the inclusion of non-residents in the reapportionment population base and, in fact, permitted the exclusion of non-residents; (b) the dependents would follow the state of residence of their military member and various State statutes showed that military dependents should not be considered permanent residents; (c) the legislative history of the constitutional amendment that mandated the use of a “permanent resident” reapportionment base indicated that the amendment was meant to exclude non-resident military dependents; (d) a fact sheet that was to be posted at voting places indicated to the voters that the constitutional amendment meant to exclude non-resident military dependents from the reapportionment base; and (e) long-standing State policies supported the exclusion of non-resident military dependents from the reapportionment base – as evidenced by the proceedings of past constitutional conventions and the work of prior reapportionment commissions.

In the end, the Commission by a five to four vote approved of a “permanent resident” reapportionment population base that excluded the dependents of non-resident military personnel. In essence, the Commission used the same reapportionment base as the 1991 Reapportionment Commission.

(2) Apportionment among basic island units.

In reapportioning and redistricting the State legislative districts, the Commission followed the two step process set out in Sections 4 and 6 of Article IV of the State Constitution. The first step in that process is the apportionment of the total number of members of each house of the State legislature among the four basic island units, using the total number of permanent residents in each of the basic island units and computed by the method known as the method of equal proportions.

The final plan adopted by the Commission allocates the total number of members of the State Senate and the House of Representatives among the four basic island units as follows:

<i>Basic Island Units</i>	<i>Senators</i>	<i>Representatives</i>
Island of Hawaii	3	7
Islands of Maui, Lanai, Molokai, and Kahoolawe	3	6
Island of Oahu and all other islands not specifically enumerated	18	35
Islands of Kauai and Niihau	<u>1</u>	<u>3</u>
Total	25	51

2001 Reapportionment Commission, Final Report and Reapportionment Plan

There is a change from the present apportionment in the numbers of senators apportioned among the basic island units; Hawaii and Oahu remain the same while Kauai loses a fractional senate seat and Maui increases their fractional seat to a full senate seat. With respect to the House of Representatives, the basic island unit of Oahu loses one representative seat and the basic island unit of Hawaii gains one representative seat. Maui and Kauai each increase their fractional representative seats to full representative seats.

(3) Apportionment within basic island units.

The second step in the process of reapportioning and redistricting the State legislature is apportioning the members allocated to each basic island unit among districts within that basic island unit and redrawing district lines where necessary in such a manner that for each house the average number of permanent residents per member is as nearly equal to the average for the basic island unit as is practicable. The Commission's final reapportionment and redistricting plan (Appendix E) shows how the Commission accomplished this part of its task. The differences between the Commission's final plan and the existing districts on each basic island unit are described below

(a) Basic Island Unit of Kauai (Kauai).

The final plan allocates for Kauai three House seats. Under the existing apportionment, Kauai has two House seats plus a seat shared with the basic island unit of Maui, covering a canoe district, the population majority of which reside in Kauai.

The relative voting power in the Senate will change for Kauai. Under the existing apportionment Kauai is allocated one Senate seat plus a seat shared with the basic island unit of Maui, that has the population majority. The final plan allocates one Senate seat for Kauai.

For Kauai, the Commission provided single-member districts as follows: House districts 14,15 and 16. Senate district 7.

(b) Basic Island Unit of Oahu (Oahu).

The final plan allocates thirty-five House seats for Oahu. Under the existing apportionment, Oahu has thirty-six House seats. Under the final plan Oahu loses one House seat.

The single member House districts created for Oahu are as follows:
House districts 17 to 51, inclusive.

The relative voting power in the Senate will not change for Oahu. The final plan allocates eighteen Senate seats for Oahu. Under the existing plan Oahu has eighteen Senate seats.

2001 Reapportionment Commission, Final Report and Reapportionment Plan

The single member Senate districts created for Oahu are as follows:
Senate districts 8 to 25, inclusive.

The Commission was not able to wholly include all House districts within the boundaries of the Senate districts for Oahu.

(c) Basic Island Unit of Maui.

The final plan allocates for Maui six House seats. Under the existing apportionment, Maui has five House seats, plus a seat shared with the basic island unit of Kauai, covering a canoe district, the majority population of which resides in the basic island unit of Kauai. Thus Maui has increased its fractional House seat to a full House seat.

The single member House districts created for Maui are as follows:
House districts 8 to 13, inclusive.

The final plan allocates for Maui three Senate seats. Under the existing apportionment, Maui has two Senate seats plus a seat shared with the basic island unit of Kauai, the majority population of which resides in the basic island unit of Maui. Thus Maui has increased its fractional Senate seat to a full Senate seat.

The single member Senate districts created for Maui are as follows:
Senate districts 4 to 6, inclusive.

The Commission was able to wholly include all House districts within the boundaries of the Senate districts for Maui.

(d) Basic Island Unit of Hawaii

The final plan allocates for Hawaii seven House seats. Under the existing apportionment, Hawaii has six House seats. Thus Hawaii has increased its representation by a full House seat.

The single member House districts created for Hawaii are as follows:
House districts 1 to 7, inclusive.

The relative voting power in the Senate will not change for Hawaii. The final plan allocates three Senate seats for Hawaii. Under the existing plan Hawaii has three Senate seats.

Population data indicated that the Hilo, Puna and Kau areas were currently overrepresented. In its final plan the Commission restructured Senate district lines to reflect the population gains to the Kona and Kohala areas of Hawaii.

2001 Reapportionment Commission, Final Report and Reapportionment Plan

The single member Senate districts created for Hawaii are as follows:
Senate districts 1 to 3, inclusive.

The Commission was not able to wholly include all House districts within the boundaries of the Senate districts for Hawaii.

(4) Explanation of deviations among districts.

Under the method of measuring legislative representation used in Burns v. Gill, 316 F. Supp. 1285, 1296 (D. Haw. 1970), the maximum statewide percentage deviation in the Commission's apportionment among basic island units is 4.7%. The basic island unit percentage deviations are: Oahu +0.8%, Hawaii -0.1%, Maui -3.9%, and Kauai -1.5%.¹

With respect to the Commission's apportionment within basic island units, the deviations among the districts in each basic island unit shown for each house of the legislature are as follows:

Table 1 - Oahu Basic Island Unit Targets and Deviations (House Districts)

HOUSE DISTRICT	DISTRICT POPULATION	BIU TARGET	DEVIATION
17	21928	22578	-2.9%
18	21529	22578	-4.6%
19	21580	22578	-4.4%
20	21892	22578	-3.0%
21	22649	22578	0.3%
22	22554	22578	-0.1%
23	21584	22578	-4.4%
24	22406	22578	-0.8%
25	22717	22578	0.6%
26	23128	22578	2.4%
27	21820	22578	-3.4%
28	23674	22578	4.9%
29	23147	22578	2.5%
30	21769	22578	-3.6%
31	23631	22578	4.7%
32	23606	22578	4.6%
33	21956	22578	-2.8%
34	22804	22578	1.0%
35	22670	22578	0.4%
36	21962	22578	-2.7%
37	23445	22578	3.8%
38	23485	22578	4.0%

¹ These percentages are the percentage deviations from the statewide average number of permanent residents per legislator (both senators and representatives combined) of each basic island unit's average number of permanent residents per legislator (both senators and representatives combined).

2001 Reapportionment Commission, Final Report and Reapportionment Plan

39	23041	22578	2.1%
40	23115	22578	2.4%
41	23062	22578	2.1%
42	22077	22578	-2.2%
43	23238	22578	2.9%
44	21956	22578	-2.8%
45	21612	22578	-4.3%
46	23505	22578	4.1%
47	23531	22578	4.2%
48	23373	22578	3.5%
49	21781	22578	-3.5%
50	22261	22578	-1.4%
51	21745	22578	-3.7%
Honolulu	790233		9.5%

Table 2 - Oahu Basic Island Unit Targets and Deviations (Senate Districts)

SENATE DISTRICT	DISTRICT POPULATION	BIU TARGET	DEVIATION
08	44552	43902	1.5%
09	45809	43902	4.3%
10	43659	43902	-0.6%
11	45048	43902	2.6%
12	44250	43902	0.8%
13	45202	43902	3.0%
14	44669	43902	1.7%
15	44163	43902	0.6%
16	45620	43902	3.9%
17	44214	43902	0.7%
18	43112	43902	-1.8%
19	43329	43902	-1.3%
20	42297	43902	-3.7%
21	41966	43902	-4.4%
22	42435	43902	-3.3%
23	44372	43902	1.1%
24	42254	43902	-3.8%
25	43282	43902	-1.4%
Honolulu	790233		8.7%

2001 Reapportionment Commission, Final Report and Reapportionment Plan

Table 3 - Hawaii Basic Island Unit Targets and Deviations (House Districts)

HOUSE DISTRICT	DISTRICT POPULATION	BIU TARGET	DEVIATION
01	21601	21115	2.3%
02	21630	21115	2.4%
03	20796	21115	-1.5%
04	22138	21115	4.8%
05	21396	21115	1.3%
06	20149	21115	-4.6%
07	20096	21115	-4.8%
Hawaii	147806		9.6%

Table 4 - Hawaii Basic Island Unit Targets and Deviations (Senate Districts)

SENATE DISTRICT	DISTRICT POPULATION	BIU TARGET	DEVIATION
01	49731	49269	0.9%
02	49289	49269	0.0%
03	48786	49269	-1.0%
Hawaii	147806		1.9%

Table 5 - Maui Basic Island Unit Targets and Deviations (House Districts)

HOUSE DISTRICT	DISTRICT POPULATION	BIU TARGET	DEVIATION
08	20597	21334	-3.5%
09	22012	21334	3.2%
10	20356	21334	-4.6%
11	20423	21334	-4.3%
12	22321	21334	4.6%
13	22294	21334	4.5%
Maui	128003		9.2%

Table 6 - Maui Basic Island Unit Targets and Deviations (Senate Districts)

SENATE DISTRICT	DISTRICT POPULATION	BIU TARGET	DEVIATION
04	42609	42668	-0.1%
05	40779	42668	-4.4%
06	44615	42668	4.6%
Maui	128003		9.0%

2001 Reapportionment Commission, Final Report and Reapportionment Plan

Table 7 - Kauai Basic Island Unit Targets and Deviations (House Districts)

HOUSE DISTRICT	DISTRICT POPULATION	BIU TARGET	DEVIATION
14	19752	19429	1.7%
15	19281	19429	-0.8%
16	19255	19429	-0.9%
Kauai	58288		2.6%

Table 8 - Kauai Basic Island Unit Targets and Deviations (Senate District)

SENATE DISTRICT	DISTRICT POPULATION	BIU TARGET	DEVIATION
07	58288	58288	0.0%
Kauai	58288		0.0%

The Commission was aware that federal courts generally review reapportionment and redistricting plans under a different methodology than set forth above. The federal courts generally seek to determine what is the maximum deviation percentage between the largest and smallest district in each house of the state legislature statewide. Under this methodology, the deviation percentages in the Commission's final reapportionment plan are as follows:

Table 9 - House Statewide Targets and Deviations

HOUSE DISTRICT	DISTRICT POPULATION	STATEWIDE TARGET	DEVIATION
01	21601	22046	-2.0%
02	21630	22046	-1.9%
03	20796	22046	-5.7%
04	22138	22046	0.4%
05	21396	22046	-2.9%
06	20149	22046	-8.6%
07	20096	22046	-8.8%
08	20597	22046	-6.6%
09	22012	22046	-0.2%
10	20356	22046	-7.7%
11	20423	22046	-7.4%
12	22321	22046	1.2%
13	22294	22046	1.1%
14	19752	22046	-10.4%
15	19281	22046	-12.5%
16	19255	22046	-12.7%
17	21928	22046	-0.5%
18	21529	22046	-2.3%
19	21580	22046	-2.1%
20	21892	22046	-0.7%
21	22649	22046	2.7%

2001 Reapportionment Commission, Final Report and Reapportionment Plan

22	22554	22046	2.3%
23	21584	22046	-2.1%
24	22406	22046	1.6%
25	22717	22046	3.0%
26	23128	22046	4.9%
27	21820	22046	-1.0%
28	23674	22046	7.4%
29	23147	22046	5.0%
30	21769	22046	-1.3%
31	23631	22046	7.2%
32	23606	22046	7.1%
33	21956	22046	-0.4%
34	22804	22046	3.4%
35	22670	22046	2.8%
36	21962	22046	-0.4%
37	23445	22046	6.3%
38	23485	22046	6.5%
39	23041	22046	4.5%
40	23115	22046	4.8%
41	23062	22046	4.6%
42	22077	22046	0.1%
43	23238	22046	5.4%
44	21956	22046	-0.4%
45	21612	22046	-2.0%
46	23505	22046	6.6%
47	23531	22046	6.7%
48	23373	22046	6.0%
49	21781	22046	-1.2%
50	22261	22046	1.0%
51	21745	22046	-1.4%
Statewide	1124330		20.1%

Table 9 - Senate Statewide Targets and Deviations

SENATE DISTRICT	DISTRICT POPULATION	BIU TARGET	DEVIATION
01	49731	44973	10.6%
02	49289	44973	9.6%
03	48786	44973	8.5%
04	42609	44973	-5.3%
05	40779	44973	-9.3%
06	44615	44973	-0.8%
07	58288	44973	29.6%
08	44552	44973	-0.9%
09	45809	44973	1.9%
10	43659	44973	-2.9%

2001 Reapportionment Commission, Final Report and Reapportionment Plan

11	45048	44973	0.2%
12	44250	44973	-1.6%
13	45202	44973	0.5%
14	44669	44973	-0.7%
15	44163	44973	-1.8%
16	45620	44973	1.4%
17	44214	44973	-1.7%
18	43112	44973	-4.1%
19	43329	44973	-3.7%
20	42297	44973	-6.0%
21	41966	44973	-6.7%
22	42435	44973	-5.6%
23	44372	44973	-1.3%
24	42254	44973	-6.0%
25	43282	44973	-3.8%
Statewide	1124330		38.9%

(5) Justification for deviations among districts.

The Commission decided to eliminate “canoe districts” because of the State of Hawaii’s long-standing policy of protecting the integrity of basic island units and the overwhelming public sentiment voiced against the use of “canoe districts” at the Commission’s public hearings and meetings. The State’s policy of protecting the integrity of basic island units is evidenced by Sections 4 and 6 of Article IV, State Constitution, the proceedings of certain constitutional conventions in the State, the work of prior reapportionment commissions, and the general history of reapportionment in the State.

When viewed under the method of comparing maximum deviations among Senate and House districts statewide, the elimination of “canoe districts” resulted in substantial deviations particularly with respect to the basic island unit of Kauai. Given the size of Kauai’s population, providing Kauai with two Senate seats would result in Kauai being overrepresented in the Senate by -70.4%, and providing Kauai with one Senate seat would result in Kauai being underrepresented in the Senate by +29.6%. At the public hearings and meetings, public comments indicated that the citizens of Kauai preferred underrepresentation in the Senate versus having a “canoe district”. Following the U.S. Supreme Court’s statements that underrepresentation of an area in one house could be balanced with overrepresentation of that area in the other house, the Commission assigned three House of Representative seats to Kauai which resulted in Kauai being overrepresented in the House of Representatives by -12.7%.

In prior court cases, equality of representation as it relates to reapportionment among the basic island units has been measured by seeing whether the total number of legislators representing each of the basic island units is fair from the standpoint of population per legislator. *Burns v. Gill, supra; Blair v. Ariyoshi, supra; see also Report and*

2001 Reapportionment Commission, Final Report and Reapportionment Plan

Reapportionment Plan of the 1973 Legislative Reapportionment Commission at page 26, and Report and Reapportionment Plan of the 1981 Reapportionment Commission, at page 31. This has been done by: (a) combining the number of state legislators in both the Senate and House of Representatives to determine the total number of state legislators; (b) determining the average number of persons that each legislator represents on a statewide basis by dividing the State's total reapportionment population base by the total number of state legislators; (c) determining the average number of persons within each basic island unit that the state legislators apportioned to that basic island unit represent by dividing the reapportionment population base of that basic island unit by the number of state legislators allocated to it; and (d) comparing the average number of persons represented by the state legislators on each basic island unit to the average number of persons represented by each state legislator on a statewide basis. Based on this methodology known as the Huntington-Hill Method of Equal Proportions, the maximum deviation in the allocation of legislative representation under the Commission's final reapportionment plan is 4.7% (the basic island unit deviations being Oahu +0.8%, Hawaii -0.1%, Maui -3.9%, and Kauai -1.5%).

As noted previously, the Commission also considered the size of the deviations in its final reapportionment plan under other methodologies. Under the methodology generally used by federal courts, the size of the deviations, particularly as they relate to the basic island unit of Kauai, is substantial. However, the Commission still felt that its final reapportionment plan was justified by the State of Hawaii's policy of protecting the integrity of political subdivisions (basic island units), the concerns raised by the public who overwhelmingly testified against the use of "canoe districts", the overall fairness in representation of each basic island unit when measured by the Huntington-Hill Method of Equal Proportions, and the nature of the U.S. Supreme Court decisions to date.

STAGGERING OF STATE SENATE DISTRICT SEATS

1. Description of the methodology used.

The Commission's staff identified each census block that did and did not have an election for State Senator in the year 2000. After the Commission approved its final reapportionment plan for the state legislative districts, the Commission's staff: (a) determined the percentage of population in each new Senate district that had a Senate election in the year 2000; and (b) identified the twelve new Senate district seats that had the smallest percentage of population that had a Senate election in the year 2000. These twelve new Senate districts were the ones designated by the Commission to have two-year terms in the next election.

2001 Reapportionment Commission, Final Report and Reapportionment Plan

2. Designation of Senate district seats.

The twelve new Senate districts that will have two-year Senate terms in the 2002 election are:

Hawaii:	Senate Districts 1 and 3
Maui	Senate Districts 5 and 6
Kauai	Senate District 7
Oahu	Senate Districts 12, 16, 17, 18, 21, 22 and 23.

The remaining Senate districts will have four-year terms in the 2002 election.

RECOMMENDATIONS FOR FUTURE APPORTIONMENT

The Commission's recommendations are for legislative consideration. Some call for changes in the statute on reapportionment and others require amendments to the State Constitution, the Commission believes that the State legislature should initiate such changes. The Commission believes that initiation of changes to the State Constitution by the legislature can assure that needed improvements will be made.

1. Commission composition.

The Commission affirms the value of having advisory councils for each basic island unit. The councils serve a desirable purpose in bringing to the attention of the reapportionment commission the pulse and concerns of the people of each county.

While affirming the value of the councils, we believe it important to convey to the appointing authorities the following concern that was expressed repeatedly at many of the Commission's public hearings and meetings. The concern that was raised was why all of the nine Commission members were from Oahu and none were from the neighbor islands. This concern was also raised by each of the advisory councils. We believe that the public's and advisory councils' concerns about appropriate geographic representation should be given appropriate consideration by the legislative leaders in connection with their appointment of future commission members.

Recommendation.

We recommend that the legislature consider the composition of future reapportionment commissions so as to reflect the populations of the four basic island units.

2001 Reapportionment Commission, Final Report and Reapportionment Plan

2. Role of the advisory councils.

The purpose of the advisory councils is to advise and counsel the reapportionment commission with respect to apportionment and districting within their respective basic island units. This Commission was substantially aided by such advice and counsel. The councils actively participated in Commission meetings, commented on the Commission's plans, educated the public on their respective basic island units about the reapportionment process, and helped set up the public hearings on their basic island units. We think that there is a definite role to be played by advisory councils and thus make the following recommendations to future reapportionment commissions.

Recommendation.

We recommend that each future reapportionment commission provide appropriate guidelines for the advisory councils to follow in recommending apportionment and districting plans for their respective basic island units.

3. Definition of the permanent resident population base.

The State Constitution requires that the reapportionment commission shall allocate the total number of members of each house of the State legislature being apportioned among the four basic island units, using the total number of permanent residents in each basic island unit. No definition of "permanent resident" is provided in the State Constitution or in Chapter 25 of the Hawaii Revised Statutes. Disputes over what populations should be included or excluded from the permanent resident population base created a lot of dissension and caused much delay in the Commission's work.

The focus of reapportionment is representation. The right to representation is broader than the right to vote. It includes the right to petition the legislature, the right to bring one's needs or views to the attention of a particular legislator who has been elected from your legislative district, and the right to be weighted in the composition of the legislature.

Forty-eight of the fifty states use the U.S. Census total population as their state apportionment population base. The Commission felt constrained by the State Constitution to use only the "permanent resident" population base to reapportion and redistrict the State legislative districts. This led to the Commission's exclusion of "non-resident" military and their dependents from the reapportionment population base. As noted previously, many members of the Commission had difficulty excluding the military and their dependents from the reapportionment population base since such persons may: (a) reside in the State for considerable periods of time; (b) pay State taxes; (c) attend State schools and use State facilities and services; (d) be active in political and community organizations within the State; (e) need or desire representation with respect to their use of State facilities and services or to obtain attention for their views on State political or social issues; and (f) not be counted for reapportionment purposes in any other state. The Commission believes that the population base used to reapportion and redistrict the State legislature should be as broad as

2001 Reapportionment Commission, Final Report and Reapportionment Plan

possible to allow proper representation for all persons counted as residing in the State by the U.S. Census.

Recommendation.

We recommend that the legislature provide appropriate statutory language for future reapportionment commissions to follow in determining the permanent resident population base to be used for reapportionment and redistricting of the State legislative districts.

or

That the State Constitution be amended to allow for state legislative apportionment by total population of the State as counted by the most recent U.S. Census.

2001 Reapportionment Commission, Final Report and Reapportionment Plan

CONCLUSION

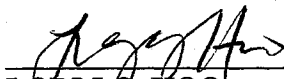
The Commission approached its responsibilities in reapportioning and redistricting the U.S. Congressional Districts and the State legislature with great seriousness. It believes that the final plans it has adopted are fair and equitable and will result in meaningful representation for the people of Hawaii. It further believes that the recommendations made in this report, if adopted, will assist future reapportionment commissions. Although their reapportionment and redistricting tasks were difficult and demanding, the members of the Commission are gratified for the opportunity they have had to participate in this meaningful endeavor.

Respectfully submitted,


WAYNE K. MINAMI, Chairperson

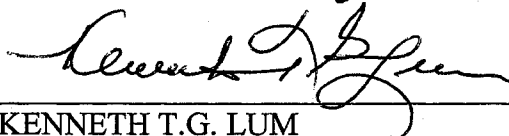

JILL E. FRIERSON, Vice-Chairperson


DERON K. AKIONA


LORI J.G. HOO


SHELTON G.W. JIM ON


LYNN C. KINNEY


KENNETH T.G. LUM


HAROLD S. MASUMOTO

David W. Rae **
DAVID W. RAE

** Mr. Rae approved the final report but was not available for signature prior to printing.

APPENDIX A

MINUTES OF THE REGULAR MEETINGS

OF THE 2001 REAPPORTIONMENT COMMISSION



**MINUTES OF THE
2001 REAPPORTIONMENT COMMISSION
AFFIRMATION AND BRIEFING**

**May 11, 2001
6:00 p.m.**

**Hawaii State Capitol
Room 329
Honolulu, Hawaii**

Commissioners in Attendance:

Mr. Deron K. Akiona
Mr. Richard R. Clifton
Ms. Jill E. Frierson
Ms. Lori J.G. Hoo
Mr. Lynn C. Kinney
Mr. Kenneth T.G. Lum
Mr. Harold S. Masumoto
Mr. David W. Rae

Technical Support Staff in Attendance:

Mr. Dwayne D. Yoshina, Office of Elections
Mr. Lawrence Chun, Office of Elections/Reapportionment Staff
Ms. Cynthia Fukunaga, Office of Elections/Reapportionment Staff
Mr. Strather Ing, Office of Elections/Reapportionment Staff
Mr. Scott Nago, Office of Elections
Ms. Keala Naluai, Office of Elections/Reapportionment Staff
Mr. David Rosenbrock, Office of Elections/Reapportionment Staff
Mr. Rex Quidilla, Office of Elections
Mr. David Takashima, Office of Elections
Ms. Robynn Yokooji, Office of Elections
Mr. Brian Aburano, Department of the Attorney General
Mr. Aaron Schulaner, Department of the Attorney General

Minutes of the 2001 Reapportionment Commission Affirmation and Briefing
Page 2

Consultant Services Contractor:

Mr. Royce Jones, ESRI
Ms. Mirjam Stadelmann, ESRI

Observers Present:

Ms. Jean Aoki, League of Women Voters
Ms. Laura Figueira, Senate President's Office
Mr. James V. Hall, Oahu Apportionment Advisory Council
Mr. Shelton Jim On, Republican Party
Ms. Lieberata Orrallo, Senate President's Office
Mr. Mark Oto, House Speaker's Office
Mr. Marley Pennington
Mr. Glen Takahashi, Office of the City Clerk
Ms. Linda Chu Takayama

I. Call to Order

Chief Election Officer, Mr. Dwayne D. Yoshina, called the 2001 Reapportionment Commission Affirmation and Briefing to order at 6:05 p.m. in Conference Room 329 of the Hawaii State Capitol, Honolulu, Hawaii.

Mr. Yoshina stated that this first commission meeting was basically ministerial. Mr. Yoshina introduced the Reapportionment Project Staff, asked the audience to introduce themselves, and asked the Reapportionment Commission members to introduce themselves.

Mr. Yoshina requested a change in the agenda order. Requested that Item II. Duties and Responsibilities and Item III. Administrative Matters be switched.

PROCEEDINGS

II. Administrative Matters

A. Ms. Jill Frierson, House Minority Appointee, Ms. Lori Hoo, House Speaker Appointee, Mr. Lynn Kinney, Senate President Appointee, Mr. Kenneth Lum, Senate Minority Appointee, Mr. Harold Masumoto, House Speaker Appointee, and Mr. David Rae, Senate President Appointee, were administered the Affirmation by Mr. Dwayne Yoshina.

- B. Mr. Yoshina issued each commission member a Certification of Appointment and each member signed the Affirmation.
- C. Mr. Richard Clifton, Senate Minority Appointee, and Mr. Deron Akiona, House Minority Appointee, were administered their Affirmation by reading and were issued their Certification as they came in.
- D. Mr. Yoshina reported that documents on "Ethics" were provided in the packet given to each member and asked each commission member to read the pamphlet. He noted there are ethical considerations to follow as a commission member.
- E. Ms. Robynn Yokooji gave a briefing on fiscal documents that commission members need to complete in order to get reimbursed or compensated for expenditures. She reviewed the following: 1) mileage reimbursement; 2) travel to neighbor islands (per diem, statement of completed travel form, expenses); 3) compensation for meetings; and 4) reimbursement for incidental expenses.

III. Duties and Responsibilities

- A. Mr. Yoshina identified the title of each document contained in the packet for each commissioner.
- B. Mr. Yoshina described the duties and responsibilities of a reapportionment commission member:
 - 1) To apportion the U.S. House of Representatives.
 - 2) To apportion the State House and Senate seats.
 - 3) To stagger terms for State Senators.
- C. Mr. Yoshina provided a definition of "reapportionment" pursuant to Black's Law Dictionary.

IV. GIS/Technical Support

- A. Mr. Yoshina called upon Mr. David Rosenbrock, Reapportionment Project Manager, to provide a briefing on the Geographic Information System (GIS) support services.
- B. Mr. Rosenbrock introduced Mr. Royce Jones and Ms. Mirjam Stadelmann, from Environmental Systems Research Institute (ESRI), the State's GIS consultant services contractor.

Minutes of the 2001 Reapportionment Commission Affirmation and Briefing
Page 4

- C. Mr. Jones provided a power point presentation on reapportionment and redistricting. Noted that for the 2001 reapportionment, ESRI will be using ArcView and Autobound.

V. Other Business

None.

VI. Discussion

- A. Mr. Yoshina stated that the commission has the responsibility of selecting a commission chair by a vote of six members. He reported that in 1991 a temporary committee nominated the reapportionment chair. He recommended that they take action by selecting a temporary chair and to form three (3) selection committees to 1) select a permanent chair; 2) establish rules of operation; and 3) determine whether or not a special counsel should be retained. He noted that the 1991 Rules are included in the packet. Mr. Yoshina also recommended that commission members go into Executive Session with legal counsel.

- B. Motion by Mr. Harold Masumoto

Moved to nominate Mr. Richard Clifton as Temporary Commission Chair.
Seconded by Ms. Jill Frierson.

With no discussion, Mr. Kenny Lum called for a vote on the motion to nominate Mr. Clifton as Temporary Chair to the 2001 Reapportionment Commission.

The motion was carried unanimously.

- C. Temporary Chair Clifton recommended that the commission go into executive session with legal counsel.

VII. Executive Session

Commission went into Executive Session to cover basic legal responsibilities of the commission members.

VIII. Return to Discussion

A. At 7:35 p.m., Temporary Chair Clifton called meeting back to order. Asked the commission for motions to create committees.

1) Motion by Ms. Hoo

Moved to establish three committees--chair selection, rules, and special counsel--each committee comprising of two members. Seconded by Mr. Lynn Kinney.

Mr. Masumoto recommended that it is not necessary to have a special counsel committee at this time but to take action when committee is needed.

2) Motion Amended by Ms. Hoo

Move to establish two committees--chair selection and rules and procedures--each committee comprising of two members.

Temporary Chair Clifton asked Mr. Kinney if he was in agreement with motion change. Mr. Kinney seconded the amended motion.

Motion carried unanimously.

B. Temporary Chair Clifton asked for nominations for selection of members to the chair committee.

1) Motion by Mr. Masumoto and Mr. Lum

Mr. Masumoto moved to nominate Ms. Hoo. Mr. Lum moved to nominate Mr. Deron Akiona as the Chair Selection Committee.

2) Motion to close nominations

Mr. Kinney moved to close nominations. Ms. Frierson seconded the motion.

The motions were carried unanimously.

Minutes of the 2001 Reapportionment Commission Affirmation and Briefing
Page 6

C. Temporary Chair Clifton asked for nominations for selection of members to the rules and procedures committee.

1) Motion by Mr. Lum and Mr. Masumoto

Mr. Lum moved to nominate Ms. Frierson. Mr. Masumoto moved to nominate Mr. David Rae as the Rules and Procedures Committee.

2) Temporary Chair Clifton asked for any further nominations.

Hearing none, Temporary Chair Clifton asked members to approve nominations.

The motions were carried unanimously.

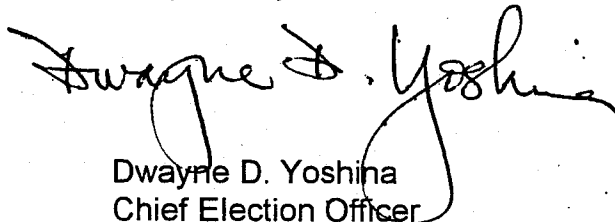
IX. Announcements

The next meeting of the 2001 Reapportionment Commission will be held on May 22, 2001 at 2:00 p.m. in the State Capitol and May 29, 2001 at 2:00 p.m. in the State Capitol. The room number to be announced.

X. Adjournment

There being no further business, the 2001 Reapportionment Commission Affirmation and Briefing was adjourned at 7:45 p.m.

Respectfully submitted,



Dwayne D. Yoshina
Chief Election Officer
Secretary to the

2001 Reapportionment Commission



**COPY FOR YOUR
INFORMATION**

**STATE OF HAWAII
OFFICE OF ELECTIONS**

802 LEHUA AVENUE
PEARL CITY, HAWAII 96782

DWAYNE D. YOSHINA
CHIEF ELECTION OFFICER

May 17, 2001

Mr. Micah Kane
Executive Director
Republican Party of Hawaii
725 Kapiolani Boulevard, #C105
Honolulu, Hawaii 96813

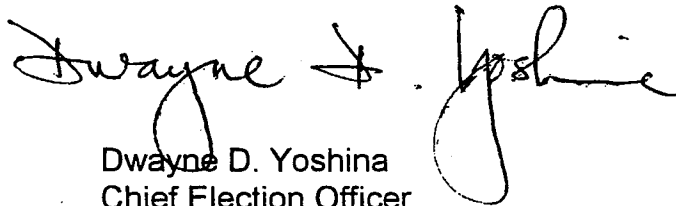
Dear Mr. Kane:

The attached items were provided to the 2001 Reapportionment Commission members.

As it relates to your request for "a copy of all communication that is sent to the Republican members of the Reapportionment Commission", the Commission has to decide on the dissemination of information. This matter will be taken up at the next meeting.

If you have any questions, please call me at 453-VOTE(8683).

Sincerely,



Dwayne D. Yoshina
Chief Election Officer

DDY:II
#0105020

Enclosures

bc. Reapportionment Commission



Hawaii Republican Party

Linda Lingle
State Chairman

Micah Kane
Executive Director

Miriam Hellreich
National Committeewoman

Travis O. Thompson
National Committeeman

May 2, 2001

Mr. Dwayne Yoshina
Office of Elections
State of Hawaii
802 Lehua Avenue
Pearl City, Hawaii 96782

Dear Mr. Yoshina:

It is my understanding that each political party is given a complete set of statewide maps for each election cycle. On behalf of the Hawaii Republican Party, I would like to request two sets of maps.

I know we are in a reapportionment period and the maps will change, but we are interested in obtaining copies of the pre-reapportionment maps.

On another matter, would it be possible to get a copy of all communication that is sent to the Republican members of the Reapportionment Commission? This would be very helpful to me.

I will be calling your shortly to follow-up on this requests. I know things must be very busy in your office right now, however, I would appreciate your assistance on the aforementioned issues.

Aloha and Mahalo,

Micah A. Kane, Executive Director
Hawaii Republican Party

OFFICE OF ELECTIONS

01 MAY -2 AM 59

E Komo Mai!

**MINUTES OF THE FIRST REGULAR MEETING OF THE
2001 REAPPORTIONMENT COMMISSION**

**May 22, 2001
2:00 p.m.**

**Hawaii State Capitol
Room 329
Honolulu, Hawaii**

Commissioners in Attendance:

Mr. Richard R. Clifton
Ms. Jill E. Frierson
Ms. Lori J.G. Hoo
Mr. Lynn C. Kinney
Mr. Kenneth T.G. Lum
Mr. Harold S. Masumoto
Mr. David W. Rae

Technical Support Staff in Attendance:

Mr. Dwayne D. Yoshina, Office of Elections
Mr. Lawrence Chun, Office of Elections/Reapportionment Staff
Ms. Cynthia Fukunaga, Office of Elections/Reapportionment Staff
Mr. Strather Ing, Office of Elections/Reapportionment Staff
Mr. Scott Nago, Office of Elections
Ms. Keala Naluai, Office of Elections/Reapportionment Staff
Mr. David Rosenbrock, Office of Elections/Reapportionment Staff
Mr. Rex Quidilla, Office of Elections
Ms. Robynn Yokooji, Office of Elections
Mr. Brian Aburano, Department of the Attorney General
Mr. Aaron Schulaner, Department of the Attorney General

Consultant Services Contractor:

Mr. Royce Jones, ESRI

Observers Present:

Mr. Micah Kane, GOP
Mr. Pat Omandam, Star-Bulletin
Mr. Ross Segawa
Mr. Bob Ogawa, Reapportionment Advisory Council
Mr. Larry Meacham, Common Cause Hawaii
Mr. Kevin Dayton
Mr. Jim Hall, Reapportionment Advisory Council
Ms. Robin Loomis, League of Women Voters
Ms. Linda Takayama

I. Call to Order

Temporary Chairperson, Mr. Richard Clifton, called the First Regular Meeting of the 2001 Reapportionment Commission to order at 2:13 p.m. in Conference Room 329 of the Hawaii State Capitol, Honolulu, Hawaii.

II. Approval of Minutes

Ms. Jill Frierson moved to have the minutes approved. Voted unanimous.

PROCEEDINGS

III. Committee Reports

A. Committee on Rules and Procedures

Commissioner Frierson said they reviewed the Rules from the 1991 Reapportionment Committee. They will have some suggestions shortly, but are not prepared to bring them to the table at this time.

Commissioner Rae said that they have a several questions that they would like to seek council from the Attorney General to clarify some rules.

Commissioner Clifton mentioned that to seek council from the Attorney General, it is possible to put that matter on the list for Executive Session.

B. Committee on the Selection of a Chairperson

Commissioner Hoo said that they don't have a formal report but that she and Commissioner Akiona have been in discussion and have not come to an agreement yet of a nominee that they could bring forward to the rest the commission. They are hopeful that they will have a name shortly.

A reminder was given to the commissioners that the deadline to designate a chairperson is May 31, 2001. There is a meeting scheduled for May 29 and if they would like to meet again, they are able to go into recess and reassemble at a time certain and not have to worry about the 6-day notice.

IV. Administrative Matters

A. GIS Staff Services Status Report

Mr. Royce Jones made a short presentation on the GIS project. Reviewed what they presented last meeting. Showed an example of the tools available for redistricting and a sample case of redistricting at the Congressional level.

Mr. Rosenbrock mentioned to the commission that they are working on the information for commission and public access on the Internet. There are lots of questions and things they cannot do because they need the commission to

think about what they want on the web site. They will orientate the commissioners about all of the possibilities so they can decide how they want to handle this.

Mr. Yoshina suggested that the commission form a Technical Committee to interact with the project staff. The technical committee would focus on the technology to be provided as well as do the line drawings to present to the commission to vote over.

Commissioner Clifton suggested that the discussion of the Technical Committee be put on the agenda for next meeting so the commissioners can think about the need for the committee.

The Technical Staff was asked where they are in obtaining numbers for the adjusted total population. Mr. Rosenbrock mentioned that they have been directed to the Defense Mapping Agency on the West Coast and are working with them to keep the confidentiality of the military personnel but still obtain the information that they will be able to subtract from the total and then from the census block. They have not received the information yet; they are hoping to receive the information within 10 days. They have been in contact with all of the colleges and universities in the state and asked that they submit their non-resident student population with a local address. They will be subtracting from the total, coming up with a new target and then go into the census blocks to remove the count from that particular block. They do have information from majority of the colleges and universities.

B. Administrative Staff Services Status Report

Mr. Yoshina mentioned to the commission that they have been receiving correspondence from various members of the public asking questions about access to the information. He would like to have a discussion about that in Executive Session and have the commissioners' decision as to what they want to do.

It will be added on the list for Executive Session.

V. Correspondence and Announcements

There are no correspondence or announcements.

The meeting was called to recess and unanimously approved. Recessed at 2:45p.m.

VI. Executive Session

Commission went into Executive Session to cover questions about Rules and Procedures and discuss access to information by the public.

The meeting was reconvened to the public at 4:06 p.m.

VII. Other Business

There was no other business. The next meeting of the 2001 Reapportionment Commission will be held on May 29, 2001 at 2:00 p.m. in the State Capitol Room 329 with a possibility of recessing to another date before May 31, 2001.

VIII. Adjournment

There being no further business, the 2001 First Regular Meeting of the 2001 Reapportionment Commission was adjourned at 4:10 p.m.

Respectfully submitted,

for Dwayne D. Yoshina
Dwayne D. Yoshina
Chief Election Officer
Secretary of the
2001 Reapportionment Commission

**MINUTES OF THE
SECOND REGULAR MEETING OF THE
2001 REAPPORTIONMENT COMMISSION**

**May 29, 2001
2:00 p.m.**

**Hawaii State Capitol
Room 329
Honolulu, Hawaii**

Commissioners in Attendance:

Mr. Deron K. Akiona
Mr. Richard R. Clifton
Ms. Jill E. Frierson
Ms. Lori J.G. Hoo
Mr. Lynn C. Kinney
Mr. Kenneth T.G. Lum
Mr. Harold S. Masumoto
Mr. David W. Rae

Technical Support Staff in Attendance:

Mr. Dwayne D. Yoshina, Office of Elections
Mr. Lawrence Chun, Office of Elections/Reapportionment Staff
Ms. Cynthia Fukunaga, Office of Elections/Reapportionment Staff
Mr. Strather Ing, Office of Elections/Reapportionment Staff
Mr. Scott Nago, Office of Elections
Ms. Keala Naluai, Office of Elections/Reapportionment Staff
Mr. David Rosenbrock, Office of Elections/Reapportionment Staff
Mr. Rex Quidilla, Office of Elections
Ms. Robynn Yokooji, Office of Elections
Mr. Brian Aburano, Department of the Attorney General
Mr. Aaron Schulaner, Department of the Attorney General

Consultant Services Contractor:

Mr. Royce Jones, ESRI

Observers Present:

Mr. Pat Omandam, Honolulu Star-Bulletin
Mr. Ross Segawa
Mr. Bob Ogawa, Reapportionment Advisory Council
Mr. Larry Meacham, Common Cause Hawaii

Minutes of the Second Regular Meeting of the 2001 Reapportionment Commission
Page 2

Mr. Kevin Dayton, Honolulu Advertiser
Mr. Jim Hall, Reapportionment Advisory Council
Ms. Robin Loomis, League of Women Voters
Mr. Glen Takahashi
Mr. Leonard Narimasu
Mr. Jean Aoki, League of Women Voters
Mr. Mark Oto, House Speaker's Office
Mr. Doug Holdt, Carter & Burgess
Mr. Boyd Akase, Republican House Minority Office
Mr. Kevin Chang, Jim On & Beerman
Mr. Brad Stein, Carter & Burgess
Mr. Shelton Jim On, Hawaii Republican Party

I. Call to Order

Temporary Chairperson, Commissioner Richard Clifton, called the Second Regular Meeting of the 2001 Reapportionment Commission to order at 2:09 p.m. in Conference Room 329 of the Hawaii State Capitol, Honolulu, Hawaii.

II. Approval of Minutes

Commissioner Jill Frierson moved to have the minutes of the First Regular Meeting of the 2001 Reapportionment Commission approved. Commissioner Kenneth Lum seconded the motion. The minutes were approved by a unanimous vote of the Commissioners in attendance.

PROCEEDINGS

III. Committee Reports

A. Committee on Rules and Procedures

The Committee reported that they have some materials that they would like to pass out to the rest of the Commission but would like to have some discussions with the Commission's legal counsel first, at the appropriate time.

Commissioner Clifton noted the desire to have a discussion with the Commission's legal counsel and, hearing no objection, the matter was deferred until the Executive Session.

B. Committee on the Selection of a Chairperson

The Committee reported that it had some legal questions that they would like to pose to the Commission's legal counsel regarding issues pertaining to the selection of the Commission's Chairperson.

Minutes of the Second Regular Meeting of the 2001 Reapportionment Commission
Page 3

Commissioner Clifton noted the desire to discuss legal questions with the Commission's legal counsel and, hearing no objection, the matter was deferred until the Executive Session.

IV. Administrative Matters

A. GIS Staff Services Status Report

Mr. Rosenbrock mentioned that they are gearing up for the Commissioners.

Mr. Rosenbrock reports that they have about 90% of the information on non-resident students from the institutes of higher education. They also have a count of the prison population from the Department of Public Safety. The Department of Defense will be providing information concerning military service members and their dependents by ZIP code on Friday. The Department of Defense indicated that it had a high degree of confidence in the information that it would be providing concerning military service members, but somewhat less confidence in the information concerning dependents.

B. Administrative Staff Services Status Report

There was no new information to report.

C. Reapportionment Subject Area Briefing

At the last meeting, the subject of single and multi-member districts was asked to be added onto today's agenda. After a brief discussion, it was decided that the matter would be deferred to a future Commission meeting.

D. Parking Passes

The status on the request for more permanent parking passes for the Commissioners was brought up. The staff is still working on obtaining the passes.

V. Correspondence and Announcements

There were no correspondence or announcements.

Commissioner Clifton identified the items that would be brought up in the Executive Session with the Commission's legal counsel as: (a) questions and issues concerning the rules and procedures that the Committee on Rules and Procedures is formulating with the aid and advice of the Commission's legal counsel; (b) legal questions regarding the selection of the Commission's Chairperson; and (c) any legal questions the Commissioners may have concerning the subject of single and multi-member districts.

Minutes of the Second Regular Meeting of the 2001 Reapportionment Commission
Page 4

Commissioner David Rae moved that the meeting go into recess and convene in Executive Session. Commissioner Kenneth Lum seconded the motion.

The motion was unanimously approved to recess. Recessed at 2:21 p.m.

VI. Executive Session

The Commission went into Executive Session to cover the items previously identified by Commissioner Clifton.

VII. Reconvene Meeting

Commissioner Clifton reconvened the meeting at 3:45 p.m.

Commissioner Clifton reported to the public that during the Executive Session, the Commissioners discussed with the Commission's legal counsel certain issues pertaining to the Commission's rules and procedures and to the process of selecting a Chairperson. There were no decisions or motions made, and there were no specific names discussed. The discussions related to the process and the desire to proceed with the process in a lawful fashion.

The Committee on Rules and Procedures stated that they did not have anything further to report at this time. They would like to review the matters that were discussed in Executive Session.

The Committee on the Selection of a Chairperson stated that they had a list of several potential candidates that they would like to take the next 24 hours to contact and ask if they are available and willing to serve as the Commission's Chairperson. They suggested that the Commission reassemble tomorrow after they had contacted the potential candidates.

Commissioner Clifton suggested that the Commission recess and reconvene tomorrow to continue the process of selecting the Commission's Chairperson and formulating the Commission's rules and procedures.

Commissioner Kenneth Lum moved that the Commission recess the meeting until tomorrow at 1:00 p.m. Commissioner Deron Akiona seconded the motion. By a unanimous vote, the Commission decided to recess the meeting until Wednesday, May 30, 2001 at 1:00 p.m., in the Hawaii State Capitol, Room 329.

VII. Other Business

There was no other business.

**Minutes of the Second Regular Meeting of the 2001 Reapportionment Commission
Page 5**

VIII. Recess

With no further business, the meeting was recessed at 3:50 p.m. until 1:00 p.m., May 30, 2001.

IX. Reconvene

On Wednesday, May 30, 2001, Temporary Chairperson, Commissioner Richard Clifton, reconvened the Second Regular Meeting of the 2001 Reapportionment Commission at 1:09 p.m.

A. Committee on Selection of a Chairperson

Commissioner Lori Hoo reported that the Committee would like to present a nominee to the rest of the Commission. Commissioner Hoo stated that the Committee would like to nominate Mr. Wayne Minami as the ninth member and Chairperson of the 2001 Reapportionment Commission.

Commissioner Clifton, to correctly identify Mr. Minami, gave a brief background on him. Commissioner Clifton noted that Mr. Minami recently retired as CEO of American Savings Bank, had previously served as Attorney General of the State of Hawaii and had also served as the State's director of regulatory agencies some years ago. Commissioner Hoo affirmed Commissioner Clifton's summary of Mr. Minami's accomplishments and qualifications.

Commissioner Hoo's nomination was taken in the form of a motion and Commissioner Clifton asked for a second to the nomination. Commissioner Deron Akiona seconded the nomination.

In discussion, Commissioner David Rae asked if Mr. Minami had been contacted and asked if he would be willing to serve. Commissioner Hoo responded in the affirmative. The public in attendance was asked if they had anything they would like to discuss and if there were any comments. No member of the public had any questions or comments.

Commissioner Clifton called for a vote on the motion to select Mr. Wayne Minami as the ninth member and Chairperson of the 2001 Reapportionment Commission. By a unanimous vote, the Commissioners selected Mr. Minami as the ninth member and Chairperson of the Commission.

Commissioner Harold Masumoto asked to take something out of order. Commissioner Masumoto suggested that the Commission have a Vice-Chairperson as was done in the past. Commissioner Masumoto nominated Commissioner Clifton as Vice-Chairperson of the 2001 Reapportionment Commission. Commissioner Rae seconded the nomination. There being no other nominations or discussion, by a

Minutes of the Second Regular Meeting of the 2001 Reapportionment Commission
Page 6

unanimous vote, Commissioner Clifton was elected to be the Vice-Chairperson of the Commission.

As he would be away next week and since something might occur that necessitated Commission action before Mr. Minami was available and could appear at a meeting. Vice-Chairperson Clifton asked Commissioner Masumoto to act as Temporary Chairperson. There being no disagreement with this request, Commissioner Masumoto agreed to act as Temporary Chairperson in the event that Chairperson Minami and Vice-Chairperson Clifton were not present.

B. Committee on Rules and Procedures

Commissioner Rae reported that the Committee has been considering a draft of rules to put forward and asked the Commission's legal counsel to highlight a sense of the draft rules. The Committee has discussed the draft rules and feel that they reflect the Commission's desire to be as inclusive as possible both with the public and in terms of the members' discussions.

Commissioner Rae made clear that the Committee is not proposing to adopt the draft rules until they have the Chairperson's input on them. However, the Committee proposed that the Commission operate under the draft rules, subject to final adoption.

Mr. Brian Aburano, Deputy Attorney General, highlighted the sense of the draft rules that were under consideration by the Committee on Rules and Procedures:

The draft rules are based largely upon the rules that the 1991 Reapportionment Commission operated under. The basic sections of the draft rules are:

1. General Provisions: The draft rules are to be adopted under and pursuant to Article 4, Section 2 of the Constitution of the State of Hawaii and Chapter 25 of the Hawaii Revised Statutes, both of which provide that the Commission is to establish rules of practice and procedures for itself.
2. General Information: The draft rules state that the Commission's office is located at the State Capitol, Room 411. The proposed hours of the Commission's office are 7:45 a.m. – 4:30 p.m. weekdays, except for state holidays and unless otherwise provided by statute or executive order.
3. Public Records: The draft rules propose that the Commission's records will be available for public inspection and copying only to the extent required under the Public Records Act, Hawaii Revised Statutes, Chapter 92F, which outlines certain limitations.

The draft rules provide that the Commission's records will be available for public inspection and copying at the Commission's office. Information may be

obtained with respect to public records by submitting a written request to the Commission office. We still have under consideration whether or not the Commission will accept requests for information beyond this.

The draft rules propose to charge for the cost of copying public records. The draft rules propose that the Commission will charge: \$0.25 per page for photocopying; the actual cost for materials that have to be sent to an outside vendor; and costs for searching, reviewing and segregating records as provided by certain Hawaii Administrative Rules.

4. Commission Meetings: The draft rules provide that the Commission's Chairperson or a quorum of the Commission may call meetings. There are provisions for videoconference meetings. Telephone participation in Commission meetings is still under discussion and no decisions have been made on that subject. The draft rules state that notices of Commission meetings will be filed and posted at least six (6) days in advance except for certain types of emergency meetings. The draft rules state that the notices will be filed with the Lieutenant Governor's office and posted at the Commission's office. The notices are to include an agenda. There are provisions for not allowing considerations of matters at Commission meetings if such matters are not on the agenda, except where the Commission by a two-thirds vote changes the agenda.

Other Meeting Provisions:

- Emergency meetings. The draft rules allow for emergency meetings if there is an unanticipated event.
- Executive meetings. The draft rules allow for executive meetings or sessions closed to the public. The draft rules require a two-thirds vote in public session in order to hold an executive meeting or session. The purpose of the executive meeting or session is to be publicly announced.
- Private interactions. The draft rules provide that certain types of interactions among the Commission members will not constitute "meetings" of the Commission. For such interactions, the requirements of a public meeting, notice and minutes would not apply. The setting up of investigative committees to do some of the work of the Commission could be undertaken through such interactions.
- Public comment. Under the draft rules, the public would be entitled to submit any written statements and data to the Commission. In addition, time would be afforded to people who are interested in presenting public testimony on agenda items at Commission meetings. However, the opportunity to present public testimony would be subject to certain types of rules such as time constraints.
- Written record of Commission meetings. Under the draft rules, a written record would be kept of Commission meetings, including: the date, time and place of the meetings; the members of the Commission that are

Minutes of the Second Regular Meeting of the 2001 Reapportionment Commission
Page 8

present or absent; the substance of the matters proposed, discussed or decided; and a record of who voted on such matters.

5. Public Hearings: Once the Commission develops a proposed plan of reapportionment, the Constitution and Hawaii Revised Statutes, Chapter 25, provides for at least one public hearing to be held on each of the basic island units. The draft rules covering such hearings are very similar to the rules that were in place in 1991.
6. Outline of Duties: The draft rules outline the duties of the Commission's Chairperson, Vice-Chairperson, and Secretary. They also outline the general powers of the Commission such as the power to require people to provide documents or present testimony to the Commission.
7. Robert's Rules of Order: The Commission was advised to consider whether Robert's Rules of Order should be used as a guideline for Commission meetings rather than making them mandatory.
8. Commission Decisions: The draft rules provide that Commission decisions, except as otherwise provided by the Constitution or statutes, would be by majority rule and that a quorum of the Commission would be required to be present in order to make any action of the Commission valid.
9. Apportionment Advisory Council: The deputy attorney general indicated that the Commission should discuss the duties and functions of the apportionment advisory councils. The draft rules provide some limited rules for the apportionment advisory councils such as: providing for public meetings of the councils, stating who can preside over meetings, and establishing voting and quorum requirements. The draft rules also provide for the apportionment councils to be able to make additional rules for themselves subject to the approval of the Commission.

A final draft of the rules will be presented for the further consideration of the Commission when the Chairperson is present. The Committee wanted the public to know that there is work in progress on the rules and that guidelines were being provided to the Commission's staff in terms of public documents and other matters.

Vice-Chairperson Clifton made clear that the consensus of the Commission was that the meeting of the Commission would be generally open to the public, that members of the public be able to become aware of what the Commission was dealing with, and to comment at the appropriate times upon the Commission's work.

Vice-Chairperson Clifton noted that there have been discussions of a proposed Commission web site. If all goes well, the raw materials that are needed to analyze potential plans would be available through the web site. It is the Commission's

Minutes of the Second Regular Meeting of the 2001 Reapportionment Commission
Page 9

desire to make known to the public what is going on with the project in order to have the public's confidence in the end result.

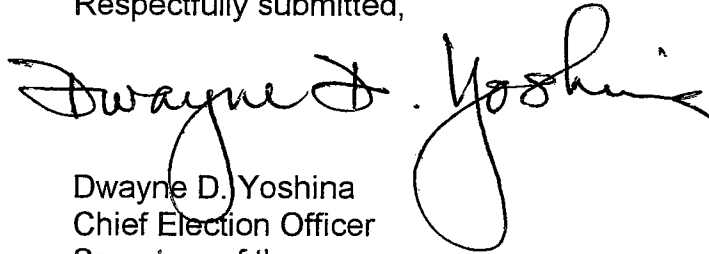
X. Setting of Next Meeting

It was brought to the attention of the Commission that although they need to consider the schedule of Mr. Minami, they should set a time and date for the next Commission meeting. The Commission's staff can then confirm with Mr. Minami as to his availability for that time and date. It was stated that if there were any changes to the time and date of the next meeting, the public would be notified.

By consensus, the Commission members agreed to hold the next Commission meeting on Thursday, June 14, 2001 at 2:00 p.m. subject to change in consideration of Mr. Minami's schedule. The meeting will be held at the State Capitol, Room 329.

With no other business to discuss, Vice-Chairperson Clifton adjourned the Second Regular Meeting at 1:28 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dwayne D. Yoshina". The signature is written in a cursive style with a large, looping initial "D" and a long, sweeping tail.

Dwayne D. Yoshina
Chief Election Officer
Secretary of the
2001 Reapportionment Commission



**MINUTES OF THE
THIRD REGULAR MEETING OF THE
2001 REAPPORTIONMENT COMMISSION**

**June 14, 2001
2:00 p.m.**

**Hawaii State Capitol
Room 329
Honolulu, Hawaii**

Commissioners in Attendance:

Mr. Wayne K. Minami, Chairperson
Mr. Deron K. Akiona
Ms. Jill E. Frierson
Mr. Lynn C. Kinney
Mr. Kenneth T.G. Lum
Mr. Harold S. Masumoto

Commissioners Excused from the Meeting:

Mr. Richard R. Clifton, Vice-Chairperson
Ms. Lori Hoo
Mr. David Rae

Advisory Council in Attendance:

Mr. Mark Andrews, Maui
Mr. Manuel Moniz, Maui
Mr. Fred Rohlfing, Maui
Ms. Madge Schaefer, Maui
Mr. Stephen Goodenow, Oahu
Mr. Jim Hall, Oahu
Mr. Dennis Esaki, Kauai
Mr. Jerome Hew, Kauai

Technical Support Staff in Attendance:

Mr. Dwayne D. Yoshina, Office of Elections
Mr. Lawrence Chun, Office of Elections/Reapportionment Staff
Ms. Cynthia Fukunaga, Office of Elections/Reapportionment Staff
Mr. Strather Ing, Office of Elections/Reapportionment Staff
Mr. Scott Nago, Office of Elections
Ms. Keala Naluai, Office of Elections/Reapportionment Staff
Mr. David Rosenbrock, Office of Elections/Reapportionment Staff

Minutes of the Third Regular Meeting of the 2001 Reapportionment Commission
Page 2

Mr. Rex Quidilla, Office of Elections
Ms. Robynn Yokooji, Office of Elections
Mr. Brian Aburano, Department of the Attorney General
Mr. Aaron Schulaner, Department of the Attorney General

Consultant Services Contractor:

Mr. Royce Jones, ESRI

Observers Present:

Mr. Pat Omandam, Honolulu Star-Bulletin
Mr. Larry Meacham, Common Cause Hawaii
Mr. Kevin Dayton, Honolulu Advertiser
Mr. Glen Takahashi, Clerk's Office City & County
Mr. Jean Aoki, League of Women Voters
Mr. Marc Oto, Speaker of the House Office
Mr. Boyd Akase, Republican House Minority Office
Mr. Brad Stein, Carter & Burgess
Mr. Shelton Jim On, Hawaii Republican Party
Mr. Tom Gill, American Civil Liberties Union
Mr. James Funaki, Speaker of the House Office
Ms. Linda Chu Takayama
Ms. Barbara Marumoto, House
Mr. Charles Carole, League of Women Voters
Mr. Chadd Kadota, Clerk's Office City & County
Mr. Karl Rhoads, Downtown Neighborhood Board

I. Call to Order

Chairperson, Wayne Minami, called the Third Regular Meeting of the 2001 Reapportionment Commission to order at 2:05 p.m. in Conference Room 329 of the Hawaii State Capitol, Honolulu, Hawaii.

II. Swearing in of Chairperson Mr. Wayne K. Minami

Chairperson, Wayne K. Minami, was administered the Affirmation and sworn in by Chief Election Officer, Dwayne D. Yoshina.

Chairperson Minami asked all Commission members and persons in attendance to introduce themselves so that everyone could get to know each other. Each Commission member and person in attendance introduced himself or herself.

III. Approval of Minutes

Commissioner Jill Frierson moved to have the minutes of the Second Regular Meeting of the 2001 Reapportionment Commission approved. Commissioner Deron Akiona seconded the motion. The minutes were approved by a unanimous vote of the Commissioners in attendance.

PROCEEDINGS

IV. Committee Reports

A. Committee on Rules and Procedures

Commissioner Frierson reported that the committee had a draft of proposed rules for the Commission's review, approval and adoption. The Commission members were given copies of the proposed rules redlined to show the most recent changes that were made.

Deputy Attorney General, Brian Aburano, highlighted the recent changes that were made to the proposed rules. He mentioned that the changes made were primarily to the rules concerning public comment.

- Under the proposed rules, the Commission may set standards and criteria both as to form and content for the submission of plans to the Commission. The Commission will not be required to review or consider plans that do not meet these standards and criteria.
- The proposed rules also require that any person desiring to testify at a Commission meeting or public hearing: (1) make a request to the Commission's secretary at least 48 hours prior to the meeting or hearing in question; and (2) provide a written copy of the person's testimony to the Commission's secretary prior to the meeting or hearing in question. The Commission may refuse to hear the testimony of any person failing to fulfill these requirements. The proposed rules also provide that the Commission can limit public testimony to a specific time period, but in no case shall the time period be less than three minutes per person.

Chairperson Minami asked for a motion to approve the proposed rules. Commissioner Frierson moved to approve the rules as presented. Commissioner Akiona seconded the motion.

Commissioner Harold Masumoto mentioned that three of the Commissioners are absent and asked whether or not the vote should be deferred to the next meeting. Commissioner Frierson mentioned that Commissioner David Rae is up to speed on the proposed rules and Commissioner Richard Clifton has had a chance to review the proposed rules, but she could not speak for the other absent Commissioner.

Minutes of the Third Regular Meeting of the 2001 Reapportionment Commission
Page 4

Chairperson Minami mentioned that he would like for the Commission to act on adopting the rules so that they would have rules to proceed under. Chairperson Minami also mentioned that the Commission could later amend the rules, if necessary.

There being no further discussion, the motion to adopt the proposed rules as the rules of practice and procedure for the Commission was approved, by a unanimous vote of the Commissioners in attendance.

B. Advisory Council (Stephen Goodenow)

Chairperson Minami noted that the Commission Staff has received questions about the role of the Advisory Councils. Further, he noted that it has been decided to invite the Advisory Councils to all Commission meetings, to pay their reasonable and necessary expenses for attendance at such meetings, and give them a place on the agenda to ask questions or give comments and suggestions.

Chairperson Minami emphasized that the HRS states that the Advisory Councils can organize and select a Chairperson. Chairperson Minami also suggested how the Advisory Council would interact with the Commission. His preference is for the Advisory Councils to coordinate their activities with the Commissioners that were appointed by the same appointing bodies as themselves.

Mr. Stephen Goodenow, Advisory Council member for Oahu, requested to be on the agenda to ask a few questions to the Commission about the role of the Advisory Councils.

- In addition, Mr. Goodenow asked questions regarding what, if any, rules applied to the Advisory Councils.
- He asked about the procedures for obtaining meeting facilities for the Advisory Councils.

Mr. Brian Aburano, the Commission's legal counsel, mentioned that in the rules that were just adopted, there is a section of rules for the Advisory Councils. He noted that there are provisions for public meetings of the Advisory Councils. He also noted that the rules allow the Advisory Councils to adopt additional rules, subject to the approval of the Commission.

Commissioner Frierson added that she would welcome the Advisory Councils' suggestions and comments. She added that she feels the Advisory Councils will offer a lot of help to the Commission.

Commissioner Masumoto asked that the Commission Staff alert the Advisory Council members of the agenda for all subsequent meetings so that they could decide whether they wanted to attend such meetings and to allow them time to make the necessary arrangements to attend such meetings.

V. Administrative Matters

A. Technical Briefing by Mr. James Funaki

Taking an item out of order, Chairperson Minami asked Mr. James Funaki to give the Commission a briefing as to the history of reapportionment in Hawaii.

Mr. Funaki gave an overview of Hawaii's reapportionment history:

- Oliver Wendell Holmes stated that a page of history is worth a volume of logic. He hoped that the historical information that he would be presenting would be of aid to the Commission in its tasks.
- Hawaii's history of reapportionment starts with the Reynolds v. Sims case in 1964. In that case, the Supreme Court declared that the Equal Protection Clause requires that seats in both houses of a bicameral state legislature be apportioned substantially on a population basis, and that the districts of both houses be constructed as nearly equal in population as practicable.
- In 1964, Hawaii was badly malapportioned. The Senate seats were apportioned on the basis of geography, and the House seats were apportioned on the basis of registered voters. In an attempt to answer the requirements of Reynolds v. Sims, the Hawaii Legislature called a special session in 1964 and considered several reapportionment proposals at that time. But none was enacted in that special session. While the special session was going on, a complaint was filed with the Federal District Court in Holt v. Richardson to reapportion the State Legislature. William Richardson was the Lieutenant Governor at that time and the Elections Officer for the State. The State Senate and House intervened as separate defendants in that matter. The Governor also intervened.
- In 1965, while in regular legislative session, the Hawaii Legislature attempted to enact a reapportionment plan. At that time, they were also involved in the Holt v. Richardson case and under the jurisdiction of the Federal District Court. The Court ordered the Hawaii Legislature to come up with a provisional plan for review. The Hawaii Legislature enacted and fashioned a reapportionment plan, which was based on registered voters and also provided for multi-member districts. The registered voter base was selected because it was a readily available statistic compared to other types of population bases such as; eligible voters, citizen voters, or federal population which was affected by transients. The registered voter base was a convenient base to use. Politically, it mitigated the effect of neighbor island senators that were being depleted. The neighbor island senators were reduced from 15 in number to 6.

The Federal District Court approved the registered voter base, but rejected the multi-member districting. On appeal, it reached the United States Supreme Court under the title of *Burns v. Richardson* and was decided in 1966

- The U.S. Supreme Court in *Burns v. Richardson* held that the reapportionment plan with the registered voter base satisfied the Equal Protection Clause, because the plan produced a distribution of legislators not substantially different from that which would have resulted from the use of a permissible population base. The Court also stated that the Equal Protection Clause does not require the states to use population figures derived from the Federal Census in drawing reapportionment plans. The Court noted that the states need not include: aliens, transients, short-term or temporary residents or persons denied the vote for conviction of a crime. The Court recognized Hawaii's difficulties in using the Federal Census figures because of the large and fluctuating military presence in Hawaii. During the major wars that have occurred world wide (e.g. World War II, Korean War and Vietnam War) there have been major military population escalations in Hawaii.
- The U.S. Supreme Court recognized at that time that a high proportion of Hawaii's potential voting population was registered, and that 88-94% of all registered voters had voted in 1958, 1959, 1960 and 1962. It also acknowledged that the reapportionment plan was a preliminary one with a permanent plan to be fashioned at the 1968 Constitutional Convention. Facts and circumstances were construed by the U.S. Supreme Court in the most favorable light for Hawaii. However, as a caveat, the Court said that the registered voter base for Hawaii was not for all time and not for all circumstances. This particular caveat proved to be significant in later years.
- The U.S. Supreme Court also approved multi-member districting saying that, although you may have several members in one district, it does not change the weight of the voter's vote, so long as population equality is maintained per seat.
- It was presented to the U.S. Supreme Court that the matter would be revisited at the 1968 Constitutional Convention to try to fashion a permanent plan for Hawaii. The 1968 Constitutional Convention convened on the basis that circumstances had not changed since the 1966 *Burns v. Richardson* decision. The Constitutional Convention, therefore, adopted the registered voter base into Hawaii's State Constitution. Unlike today, data for various population bases were not readily available or calculable, whereas the registered voter base was convenient and readily available.
- In 1971, the Federal District Court approved the 1968 Constitutional Convention Apportionment Plan.
- In 1973, the first Reapportionment Commission was assembled. The Reapportionment Commission used the registered voter base and multi-member districts.

- The 1978 Constitutional Convention continued to retain the registered voter base. They were advised of the U.S. Supreme Court's caveat regarding the registered voter base as not being for all time and for all circumstances. Not much attention was given to the caveat because no one had complained about the registered voter base, so they continued to follow the registered voter base as in the past.
- The 1981 Reapportionment Commission also used the registered voter base under the Hawaii State Constitution. The Commission was in sort of a bind because the Constitution required the use of registered voter base and they were mindful of the caveat of the U.S. Supreme Court and were concerned that the circumstances were not the same as during the time of the Burns decision. They continued to use the registered voter base and used multi-member districting.
- In 1982, members of the Republican Party challenged the registered voter base as well as the League of Women Voters who also challenged the registered voter base and the disparity in the population deviation among districts. The Federal District Court found that the use of the registered voter base and the resulting deviations among the districts made the 1981 reapportionment plan invalid. The Court found that the distribution of the legislative districts in the 1981 reapportionment plan was substantially different from that which would result from use of a permissible population base. Masters were appointed to fashion a temporary court plan, which used total population less the population of certain transient groups. The Court used single-member districting although the history of Hawaii has been to use multi-member districting. Whenever courts impose their own plans, they deem it to be an unwelcome obligation. They do not want to get involved in political considerations such as multi-member districting. As such, they use single member districting. The courts' interest is only to make sure that the Equal Protection Clause is adhered to.
- The Reapportionment Commission was reconstituted shortly thereafter. They adopted the plan as presented by the Court.
- In 1991, the Reapportionment Commission used the population base similar to what was approved in *Travis v. King* in 1982. Although the Constitution still required registered voter base, the Commission could now look to the Court's invalidation of the registered voter base. The 1991 Reapportionment Commission adhered to the use of single-member districts, although they did consider the possibility of using multi-member districts.
- The 2001 Reapportionment Commission's tasks are as follows:
 - Redraw the U.S. Congressional districts based on the total population according to the 2000 Census. The Congressional Apportionment, HRS § 25-2(b), requires the use of total Census population for the purposes of redistricting. The population percentage deviation among Congressional districts must be less than 1% deviation.

- State reapportionment has a little more flexibility in regards to population deviations among districts. Population percent deviation for the Senate and House districts must be below 10% but the Supreme Court has allowed up to 16% deviation with justification. One Hawaii case indicates that over representation of one house can be balanced by under representation of another house where the same residents are affected.
- The 2001 Reapportionment Commission has been added a task of staggered Senate terms after the reapportionment of state legislative districts, according to the Hawaii Constitution.

Commissioner Masumoto asked about the rest of the history of the 1992 Constitutional amendments. He asked if the 1992 constitutional amendments were made to confirm what the 1991 Reapportionment Commission did, and to define the use of resident population base for the legislature. Mr. Funaki responded that he did not have the history to recall at the moment; he would need to look through his research.

Advisory Council member, Jim Hall, commented that the 1981 reapportionment plan, because it was a court appointed plan, the federal judge said that the recommended base would be the citizen eligible base. The court appointed masters decided something different, they decided on the voter base. He mentioned that the 1991 Reapportionment Commission made a report that recommended that in the future the Reapportionment Commission should use the citizen eligible base. The amendments to the constitution were simultaneously passed with the first reapportionment plan.

B. GIS Staff Services Status Report

Mr. David Rosenbrock reported that the topics of discussion are:

▪ **Population Base**

- U.S. Congressional Districts. Under both federal law and Hawaii Revised Statutes, Section 25-2(b), the population base to be used for reapportioning the U.S. Congressional districts is the total population of the State of Hawaii using figures from the most recent U.S. census.

Both federal and state law require that the number of persons per district is to be as nearly equal as possible. Federal case law requires a good faith effort to achieve precise mathematical equality between the districts. Deviations of 0.94% have been struck down. Deviations of up to 0.82% have been upheld. There is no hard and fast rule as to what percentage deviation will be accepted.

- State Legislative Districts. Under Article IV, Section 6 of the State Constitution, the population base of "permanent residents" is to be used to apportion and redraw state legislative districts.

Under the State Constitution, the number of permanent residents per district is to be as nearly equal as practicable. Federal courts are not as strict in requiring mathematically equal state legislative districts. They permit States to have larger deviations among state legislative districts in order to accommodate legitimate state objectives or rational state policies. They use a rule of 10%. If the deviation is under 10%, the plan is prima facie constitutional and the burden will be on anyone challenging the plan to prove it is unconstitutional. If over 10%, the plan is prima facie unconstitutional and must be justified by the State.

- Census Data. In March 2001 the Census Bureau released unadjusted block data as the Official Census 2000 redistricting data set, known as PL 94-171 data file. The PL 94-171 data file is to be used for the purpose of legislative redistricting as required by Public Law 94-171. The data file has only four tables that were released to the Commission and those tables are the only data that the Commission has to use for reapportionment and redistricting.

▪ **Permanent Resident Exclusions**

- As noted by Mr. Funaki, in *Burns v. Richardson*, the Supreme Court said that it has never suggested that the States are required to include aliens, transients, short-term or temporary residents, or persons denied the vote for conviction of crime in their apportionment bases for state legislative districts.
- The State has used the "permanent resident" population base for the last two reapportionments. Categories excluded have been: sentenced felons, non-resident students, and non-resident military and their dependents. Aliens have been considered for exclusion, but have not been excluded in the past due to insufficient information.
 - ◆ Sentenced Felons: Reported by the Department of Public Safety End of the Month Population Report, March 31, 2000. The data is sorted by facility location and the population can be assigned to specific census blocks. Some questions and discussions were taken up about the count of sentenced felons and the status of felons on probation.
 - ◆ Non-resident Students: Various institutes of higher education have provided data regarding non-resident students. Some of them segregated this data by identification of those students that were

paying non-resident tuition. HPU, BYUH, and Chaminade University provided a list of students with records showing a permanent residence other than Hawaii. The students are located by their local addresses and can be assigned to specific census blocks.

- ◆ Aliens: The Census Bureau 2000 PL 94-171 data does not identify alien population figures. The Commission staff will be meeting with the INS on June 18, 2001 to determine if they can provide data on the status of the alien population in Hawaii. It was asked whether the Census Bureau counted aliens in its Census 2000 counts. Mr. Rosenbrock stated that the Census 2000 count received by the State of Hawaii does not contain any information on the alien population in Hawaii. The Commission's legal counsel stated that recent court cases indicate that the Federal Census data includes all aliens whether legal or illegal – although they are not separately identified or enumerated.
- ◆ Non-resident Military: The Defense Manpower Data Center WEST, through local contacts at PACOM, has sent data to the Commission's staff concerning non-resident military personnel assigned to units in the State of Hawaii and their dependents. The data identifies the number of such non-resident military personnel by ZIP code. The data was extracted as of April 30, 2001. The data was compiled by searching the Active Duty Pay File identifying all military personnel ("sponsors") having a State of Legal Residence other than Hawaii, but a Duty Station Located in Hawaii. The sponsor's dependents were identified through use of the Defense Enrollment Eligibility Reporting System (DEERS) Medical Point In Time system. The DEERS' extract matched Social Security Numbers of the sponsors with their dependents as of April 30, 2001. The DEERS' system also provided Zip Code residence data for the dependents. The State's consultant is working with local command to refine the data provided by the military in order to produce numbers that more accurately reflect the non-resident military population physically present in Hawaii. As noted above, the sponsors and their dependents are located by their local ZIP codes and can be assigned to specific census blocks.

▪ **Basic Island Units**

- Under the State Constitution, the method prescribed for reapportionment of the state legislative districts is the method of equal proportions. Under that method, the Commission would allocate or apportion the total number of state legislators for each house among the basic island units (Oahu, Hawaii, Maui, and Kauai). After it has

done that, it would draw the districts on each basic island unit to accommodate the number of legislators allocated to the basic island unit.

- As noted in *Burns v. Richardson*, use of the method of equal proportions will not always result in a constitutional apportionment plan. This is because use of the method may result in deviations that are too large among the resulting districts, i.e., over 10%. In 1991, the Commission decided it could not use the method of equal proportions, as it would result in an unconstitutional plan.
 - What was just talked about also relates to the State Constitution's requirement that state legislative districts not extend beyond a basic island unit. This requirement assumes that you can constitutionally apportion the number of legislators among the basic island units in a constitutional manner. If you can't, then you have to create what is called "canoe districts". Again, in 1991, the Commission found it had to create canoe districts in order to have a constitutional plan.
 - The Reapportionment Technical Staff presented information regarding the Commission's potential use of the method of equal proportions based on total population figures from the 2000 U.S. Census and potential adjusted "permanent resident" population figures. Using the basic island unit of Kauai as an example, they demonstrated that use of the method of equal proportions would apparently result in unconstitutionally large deviations in any resulting state legislative redistricting. Using the total population figures and assigning two state senators to Kauai resulted in Kauai's districts being 21% under the ideal population for a 2001 state senatorial district. Assigning three state senators to Kauai resulted in Kauai being 18% over the ideal population for a 2001 state senatorial district. Similar analysis for state representative districts showed Kauai being either 21% under or 18% over the ideal population for a 2001 state representative district. Using various "permanent resident" population figures (e.g. total population less sentenced felons, non-resident students, and/or non-resident military and dependents) did not improve the deviations. In some cases, the deviations became worse.
 - Mr. Jim Hall suggested that the Commission consider the case of *Blair v. Ariyoshi*, which allowed over representation in the house and under representation in the senate as a means to balance voting power, therefore not having canoe districts.
- **Definitions of contiguity, compactness and submergence**

Minutes of the Third Regular Meeting of the 2001 Reapportionment Commission
Page 12

- Contiguity: Sharing an edge or boundary, nearby, neighboring, adjacent. Must be able to walk to all places within a district without crossing the border. Examples were shown to the Commission and the public.
 - Compactness: Closely and firmly united or packed together, packed into a relatively small space. There are two different views of compactness. Examples were shown to the Commission and the public.
 - ◆ **Geometrically Compact**: The shape of the district must be as close to a circle or square/rectangle as possible.
 - ◆ **Functionally Compact**: The shape of the district must also be easy to trace and describe. Should be able to walk the whole district easily and in a reasonable manner.
 - Submergence: When a district is drawn so that a distinct minority group's (i.e., racial minority's) voting power is submerged in a larger district so that their opportunity for electing a candidate of their choice is greatly reduced, if not eliminated. Examples were shown to the Commission and the public.
- **Tentative Schedule**
- A tentative calendar was passed out to the Commission reflecting the statutory deadlines and other timeline decisions proposed by the Commission Staff.
 - Statute timeline requirements and proposed timeline:

August 9, 2001 –	Complete the plan of the Congressional, Senate, and House districts as well as the staggering of Senate terms
August 31, 2001 –	Publish the proposed plan
September 4-20, 2001 -	Public hearings at various locations across the State
September 7, 2001 -	100 Day statutory requirement to publish the proposed plan
October 11, 2001 -	Adopt the revised plan
October 26, 2001 -	150 Day statutory requirement to file the final plan with the Chief Election Officer (Dwayne D. Yoshina).
November 9, 2001 -	Publish the final plan

Minutes of the Third Regular Meeting of the 2001 Reapportionment Commission
Page 13

December 28, 2001 - Statutory requirement as to when the 2001 Reapportionment Commission is to submit a written report to the Legislature

- Schedule of Commission meetings: Commission meetings are tentatively scheduled every Thursday at 2:00pm at the Hawaii State Capitol Conference Room 329, until November 29, 2001, except for Holidays and Public Hearings scheduled on a Thursday.
- The calendar is subject to change and open to suggestions by the Commissioners and Advisory Council members. Advisory Council member Madge Schaefer pointed out that if the published plan is not going to be published until Friday, August 31, 2001 and the hearings won't be until Tuesday, September 4, 2001, there will not be enough time for the public to review the plan and have comments and suggestions ready for the public hearings.

▪ **Recommendation of Technical and Public Information Committees**

A brief description and requirements of the Technical and Public Information Committees was passed out to the Commission.

C. **Administrative Staff Services Status Report**

Mr. Dwayne Yoshina asked that all the Advisory Council members present stay back after the meeting for some administrative information they need to be briefed on for fiscal purposes.

D. **Technical Briefing: Single-Member and Multi-Member Report**

A technical briefing of single-member and multi-member districting was presented by the Reapportionment Staff summarizing the requirements as well as the pros and cons. In connection with the briefing, written material was handed out to the Commission on single-member and multi-member districts.

Some comments were made by the public as to the briefing. Chairperson Minami advised the public that they could make their own comments about single versus multi-member districts. One member of the public indicated that he or she would like to submit written comments to the Commission based on the written materials handed out to the Commission.

VI. Correspondence and Announcements

There were no correspondence or announcements.

VII. Executive Session

The Commission did not go into Executive Session.

VIII. Other Business

Issues to be discussed in the meeting on June 21, 2001:

- Standards and criteria that the Commission should discuss or bring up before decision-making meeting, for the reapportionment plan. For example, the definition of a neighborhood, no splitting of census blocks, etc.
- There will be a report on the meeting with the INS concerning Aliens.

Chairperson Minami wishes hold a decision-making meeting in two weeks, June 28, 2001, on the following issues:

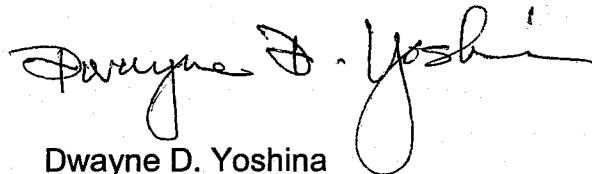
- Population Base
- Non-resident exclusions
- Standards and Criteria
- Adopting of the definitions of the terms presented for contiguity, compactness, and submergence.

IX. Adjournment

The next scheduled meeting is Thursday, June 14, 2001, 2:00 p.m. at the Hawaii State Capitol, Room 329.

With no other business to discuss, Chairperson Minami adjourned the Third Regular Meeting at 4:20 p.m.

Respectfully submitted,



Dwayne D. Yoshina
Chief Election Officer
Secretary of the
2001 Reapportionment Commission

**MINUTES OF THE
FOURTH REGULAR MEETING OF THE
2001 REAPPORTIONMENT COMMISSION**

**June 21, 2001
2:00 p.m.**

**Hawaii State Capitol
Room 329
Honolulu, Hawaii**

Commissioners in Attendance:

Mr. Wayne K. Minami, Chairperson
Mr. Deron K. Akiona
Ms. Jill E. Frierson
Ms. Lori Hoo
Mr. Lynn C. Kinney
Mr. Kenneth T.G. Lum
Mr. Harold S. Masumoto
Mr. David Rae

Commissioners Excused from the Meeting:

Mr. Richard R. Clifton, Vice-Chairperson

Advisory Council in Attendance:

Mr. Stephen Goodenow, Oahu
Mr. Jim Hall, Oahu
Mr. Wayne Metcalf, Hawaii

Technical Support Staff in Attendance:

Mr. Dwayne D. Yoshina, Office of Elections
Mr. Lawrence Chun, Office of Elections/Reapportionment Staff
Ms. Cynthia Fukunaga, Office of Elections/Reapportionment Staff
Mr. Strather Ing, Office of Elections/Reapportionment Staff
Mr. Scott Nago, Office of Elections
Ms. Keala Naluai, Office of Elections/Reapportionment Staff
Mr. David Rosenbrock, Office of Elections/Reapportionment Staff
Mr. Rex Quidilla, Office of Elections
Ms. Robynn Yokooji, Office of Elections
Mr. Brian Aburano, Department of the Attorney General
Mr. Aaron Schulaner, Department of the Attorney General

Consultant Services Contractor:

Mr. Royce Jones, ESRI

Observers Present:

Mr. Larry Meacham, Common Cause Hawaii
Mr. Kevin Dayton, Honolulu Advertiser
Mr. Jean Aoki, League of Women Voters
Mr. Marc Oto, Speaker of the House Office
Mr. Boyd Akase, Republican House Minority Office
Mr. Brad Stein, Carter & Burgess
Mr. Shelton Jim On, Hawaii Republican Party
Mr. Charles Carole, League of Women Voters
Mr. Chadd Kadota, Clerk's Office City & County
Mr. Karl Rhoads, Downtown Neighborhood Board
Mr. Ross Segawa, Public Observer
Mr. Micah Kane, Hawaii Republican Party
Mr. John Peschong, Republican National Committee

I. Call to Order

Chairperson, Wayne Minami, called the Fourth Regular Meeting of the 2001 Reapportionment Commission to order at 2:10 p.m. in Conference Room 329 of the Hawaii State Capitol, Honolulu, Hawaii.

II. Approval of Minutes

Commissioner Lynn Kinney moved to have the minutes of the Third Regular Meeting of the 2001 Reapportionment Commission approved. Commissioner David Rae seconded the motion. The motion was carried unanimously by the Commissioners in attendance.

PROCEEDINGS

III. Support Services

A. GIS Staff Services Status Report

The Reapportionment Project staff reported that it had briefed various members of the legislature. They included the Republican Caucus, House Democrats, and a group of urban Oahu legislators.

ESRI has been retained to provide the Commission with mapping and related reapportionment services. They have received the notice to proceed, effective

June 14, 2001. ESRI and its subcontractors have the information necessary to proceed.

1. Reapportionment/Redistricting Population Base Data Set

Mr. David Rosenbrock reviewed the non-resident information that he presented at the June 14, 2001 Commission meeting and included population totals for each population base data set.

- **Permanent Resident Population Base – Potential Exclusions:**
 - Sentenced Felons: According to the Department of Public Safety, End of the Month Population Report dated March 31, 2000; the total population of incarcerated sentenced felons is 1,416 persons.
 - Non-resident students: According to the information and count received from the various institutes of higher education, the total number of non-resident students is 10,679 students.
 - Aliens: Members of the project staff met with representatives of the Immigration Naturalization Services (INS) to discuss the alien population data in Hawaii. The INS Deputy Director, Wayne Wills, offered to provide information of the aliens that are contained in the INS's "CLAIMS" file. The data contains information on aliens that have applied for naturalization and could provide the number of applicants and locate them by ZIP Code. The confidence level of Mr. Wills concerning the "CLAIMS" file was low in the fact that the data may not provide the information that the Reapportionment Commission needs. Mr. Wills was asked to have the information for the staff by June 28, 2001. He was not able to assure that the information will be provided in a timely basis. The INS representatives also indicated that they could not provide a report that would identify or locate the entire alien population.
 - Non-resident Military: According to the data received by the Defense Manpower Data Center WEST and the DEERS system the total number of non-resident military and their dependents are as follows:
 - Total non-resident Military Population: 32,566
 - Total non-resident Military Dependents: 41,430
 - Total non-resident Military and Dependents: 73, 996

The State's technical consultant is working with local command offices to refine its count to more accurately reflect the Active Duty population physically present in Hawaii. With this information the Reapportionment Project staff and their technical consultants can

assign the military population to census blocks. They expect to have the refined data next week.

Mr. Rosenbrock reported to the Commission that, except with respect to the alien population, the Reapportionment Project staff and their consultants feel that they have what appears to be the best available information to extract non-resident populations from the total population in each census block of the State of Hawaii.

Commissioner Deron Akiona asked if the Department of Education could aid in determining the number of military dependents. It was brought to attention that not all military personnel have school-aged dependents. It was added that there is a wide demographic of military dependents.

2. Standards and Criteria for Redistricting

Mr. Brian Aburano, the Commission's legal counsel, outlined the proposed standards and criteria for the use by the 2001 Reapportionment Commission. The proposed standards and criteria are divided between the U.S. Congressional and State Legislative Districts.

▪ U.S. Congressional Districts

Standards that shall be followed:

1. The population base used shall be the total population of the State of Hawaii as determined by the last U.S. Census. (*Statutory requirement and required under federal law*)
2. The population in the two congressional districts shall be as nearly equal as possible. (*Statutory requirement and required under federal law*)
3. The congressional districts shall not be drawn so as to unduly favor a person or political party. (*Statutory requirement but not required under federal law*)
4. The congressional districts shall be "contiguous". (*Statutory requirement*)
5. In drawing the congressional districts, no census blocks shall be split. (*Technical staff requirement*)
6. 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 votes on the basis of race, color or membership in a language minority group. (*Non-technical summary of what is prohibited under the Voting Rights Act and Equal Protection Clause*)

7. All proposed plans submitted to the Commission must conform to specified technical requirements. The technical requirements were specified at the meeting. (*Technical staff requirement*)

Standards that are practicable: (*These are listed in the Hawaii Revised Statutes as standards to be followed "if practicable"- there is some flexibility*)

1. The congressional districts should be geographically "compact".
2. The congressional district boundaries should follow permanent and easily recognized features such as streets, streams, and clear geographic features.
3. The congressional district boundaries should coincide with census tract boundaries.
4. The state legislative districts should be wholly included within the congressional districts.
5. Submergence of an area in a larger district wherein substantially different socio-economic interests predominate should be avoided.

Other standards and criteria:

1. Neighborhoods will generally be determined based on existing elementary school district boundaries and/or neighborhood board district boundaries. (*Commission staff suggestion*)

▪ **State Legislative Districts**

Standards that shall be followed:

1. The population base used shall be the "permanent resident" population of the State of Hawaii. (*This standard is set forth in the State Constitution; however, exactly what constitutes the "permanent resident" population is not specified*)
2. The permanent resident population in each of the 25 state senate districts shall be as nearly equal as possible. (*This standard is set forth in the State Constitution – federal case law has set limits on the permissible deviations among the districts*)
3. The permanent resident population in each of the 51 state house of representative districts shall be as nearly equal as possible. (*This standard is set forth in the State Constitution – federal case law has set limits on the permissible deviations among the districts*)
4. No state legislative district shall be drawn so as to unduly favor a person or political party. (*This standard is set forth in the State Constitution*)
5. Each state legislative district shall be "contiguous". (*This standard is set forth in the State Constitution*)

6. All state legislative districts shall be single-member districts. Alternatively if multi-member districts are used, no more than four (4) members shall be elected from any state legislative district. *(Deciding single-member or multi-member districts is up to the Commissioners, but if multi-member districting is to be used, the foregoing requirement is set forth in the State Constitution)*
7. In drawing the state legislative districts, no census blocks shall be split. *(Technical staff requirement)*
8. 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. *(Non-technical summary of what is prohibited under the Voting Rights Act and Equal Protection Clause)*
9. All proposed plans submitted to the Commission must conform to specified technical requirements. The technical requirements were specified at the meeting. *(Technical staff requirement)*

Standards that are practicable: *(These are listed in the State Constitution as standards to be followed "if practicable"- there is some flexibility)*

1. The state legislative districts should be geographically "compact".
2. The state legislative district boundaries should follow permanent and easily recognized features such as streets, streams, and clear geographic features.
3. The state legislative district boundaries should coincide with census tract boundaries.
4. The state legislative districts should be wholly included within the congressional districts.
5. The state house of representative districts should be wholly included within the state senate districts.
6. Submergence of an area in a larger district wherein substantially different socio-economic interests predominate should be avoided.

Other standards and criteria:

1. Neighborhoods shall be determined based on existing elementary school district boundaries and/or neighborhood board district boundaries. *(Commission staff suggestion)*

3. Discussion

Chairperson Wayne Minami asked Mr. Rosenbrock about the purpose of the specified technical requirements. Mr. Rosenbrock explained that those submitting proposed plans need to follow the specified technical format that

allows the technical staff to generate plan(s) and map(s) from the proposed plans accurately and in a timely manner.

Chairperson Minami noted that the standards and criteria are subject to the commissioners' review and comment prior to adoption at next week's meeting.

Commissioner David Rae asked Mr. Aburano what are the actual requirements to follow from the Hawaii State Constitution and HRS and what requirements the Commission has the flexibility to adopt. (**Mr. Aburano identified the constitutional and statutory criteria as shown above in italics*).

Commissioner Rae also had concerns regarding the technical requirements specified by the staff, but indicated that he understood the desire for consistency in the plans submitted to the Commission. Citizens would be unable to submit plans to the Commission because they could not understand or meet the specified technical requirements. He noted that there are many citizens that do not know about computers and how to format the information. He would like to be able to entertain any and all plans from the citizens.

Chairperson Minami asked whether the technical requirements could be moved to the "practicable" section of the criteria since Commissioner Rae mentioned that some of the public would have a difficult time following the technical requirements. Commissioner Frierson mentioned that in order to start drawing their plans the public would have to have a list of the census blocks and population within such blocks, and they would be already halfway through the requirements listed. Commissioner Frierson noted that requiring an electronic file might be a different subject to discuss, but in order to draw the map you had to have the column structure to begin with.

Commissioner Rae also asked whether there is an existing legal requirement to determine the starting point for redistricting. Mr. Aburano said that there is no law that states where the redistricting should begin.

Commissioner Rae expressed concerns regarding the exclusion of non-resident military dependents. Commissioner Rae mentioned that military dependents utilize State services as well as other services provided in the State of Hawaii, pay GET and/or income taxes, and some of them work in Hawaii. He questioned whether they should be disenfranchised from having representation in Hawaii. Commissioner Rae also expressed concern about excluding sentenced felons. There was some discussion by the Commission and Mr. Aburano on these matters.

Commissioner Harold Masumoto requested that criteria track the language in the constitution. He also requested that the constitutional provision that states that no district shall extend beyond the boundaries of any basic island unit be

reinstated in the Commission's criteria. Mr. Minami indicated that the criteria relating to basic island units could be added to the "if practicable" criteria.

Chairperson Minami reiterated to the Commissioners that the handout was given for the Commissioners to review so they have an idea of the issues that they would be making a decision on at the next meeting.

A member of the public commented that the Commission might consider developing a hierarchy of standards for the senate and house districts.

3. Technical and Public Information Committees

Mr. David Rosenbrock read the requirements of the proposed committees as handed out to the Commission members.

▪ Technical Committee:

- The technical committee will work with the Reapportionment staff to investigate and develop potential reapportionment and redistricting plans for the Commission to consider.
- All plans will be developed within the standards and criteria adopted by the Commission and subject to further directions by the Commission.
- The technical committee will periodically report on its work to the Commission.
- The technical committee will submit any proposed plan to the Commission for deliberation and decision.
- The technical committee will consist of three (3) members: one (1) Democrat, one (1) Republican and the Chairperson.

Chairperson Minami said that a suggestion was made to have alternates for the technical committee, i.e. one (1) Democrat and one (1) Republican alternate. Chairperson Minami suggested adding the alternates as part of the committee's composition.

▪ Public Information Committee:

- The public information (PI) committee will advise the Commission project staff on the handling and answering of requests for information and questions from the public.
- The PI committee will set up procedures for reviewing and handling public comments and written testimony.
- The PI committee will investigate and make proposals to the Commission for the development and deployment of a web site for the Commission.
- The PI committee will periodically report its findings and recommendations regarding the proposed tasks to the Commission.

- Any significant matters bearing on the Commission's official business shall be brought before the Commission for its deliberation and decision.
- The PI committee will consist of four (4) members: two (2) Democrats and two (2) Republicans.

Chairperson Minami asked the Commission members to review the criteria of the technical and PI committees and to consider which members may possibly serve on those committees. The committees will be voted on at the next meeting.

Commissioner Rae asked when the Reapportionment Commission web site available in order for the public to develop proposed plans. Mr. Rosenbrock explained that a mock up of the web site will be presented at the next meeting. The site will go online after the Public Information committee instructs staff to make the website available.

4. Staggered Senate Terms Staff Briefing

The reapportionment staff gave the Commission members and the public a brief understanding of: (a) how the assignment of the staggered senate terms can be determined using the GIS program, and (b) what the requirements are for this task according to the Amendment to Article IV, Sections 7 and 8 of the Hawaii State Constitution that was passed by the Legislature and the voters in 2000.

- The Commission was given handouts of the Amendment to Article IV, Sections 7 and 8, of the Hawaii State Constitution: To Stagger Senate Terms After Reapportionment – approved by the voters in November 2000. They were also given the Senate and House Judiciary committee reports referring to H.B. No.1 (the Act that proposed the Amendment).

The amendment provides:

- In 2002, after the 2001 Reapportionment, there will be a senatorial election in all 25 Senate Districts.
- To keep staggered terms in the Senate, 12 of the 25 Senate districts will be assigned a two-year term. The remaining Senate districts will receive a four-year term.
- The two-year terms are to be assigned so that the resident population of each Senate district shall have no more than two regular Senate elections for a particular Senate seat within the six-year period beginning in the year 2000 (the even-number year prior to the reapportionment year). In other words, the two-year terms are to be

assigned so that the permanent residents in a Senate district do not have senatorial elections in three consecutive general elections – 2000, 2002, and 2004.

The methodology to implement this provision will be as follows:

- Once the 2001 Senate district boundaries are drawn through redistricting, the 12 Senate districts with the lowest number or percentage of permanent residents who had a senatorial election in 2000 will be assigned two-year terms by the Reapportionment Commission. This methodology appears in the legislative history to H.B. No.1 and was described in the information provided to the voters before they approved the Amendment to Article IV, Sections 7 and 8 of the Hawaii State Constitution.
- Before redistricting begins, all 18,000 census blocks of all 25 current Senate districts will be assigned a yes/no value on whether or not that census block, in each current district, held a senatorial election in 2000.
- After redistricting, the Commission staff will add up the total number of permanent residents in each new 2001 district by census block with a "yes" value. The Commission staff will then calculate the percentage of permanent residents in each new 2001 district that reside in a census block that has a "yes" value assigned to it. This calculation will show the percentage of permanent residents in each new 2001 district that were in districts that held a senatorial election in 2000.
- The 12 new 2001 Senate districts with the lowest number or percentage of permanent residents that were in a districts that held a senatorial election in 2000, will be assigned two-year terms.

Commissioner Rae asked why the Commission is involved in the assigning of staggered terms. Mr. Aburano explained that the criteria of staggered terms is in the constitution and that the Legislature decided to turn over to the project, with the vote of the public, to the Reapportionment Commission since it had to deal with reapportionment.

5. Revision of the Reapportionment Commission Calendar

The schedule for the Month of August has been changed as follows:

- The proposed plan to be complete (Congress, Senate, House, and Staggered terms) has moved up from August 9, 2001 to August 2, 2001.

Minutes of the Fourth Regular Meeting of the 2001 Reapportionment Commission
Page 11

- The proposed plan to be published for public review have been moved up from August 31, 2001 to August 13, 2001 to satisfy the statute of 21 days allowed for the public to review the plan before the first public hearing.

The meetings scheduled on July 5 and 12 will be cancelled if the Commission makes its decisions at the June 28 meeting. If the Commission decides to approve the committees, then the committees will meet and, therefore, the Commission does not have to meet as often as it is scheduled.

B. Administrative Staff Services Status Report

The Administrative staff had no to report.

IV. Correspondence and Announcements

- A. Mr. Dwayne Yoshina reported to the Commission that he received a letter from the U.S. House of Representatives in January, stating that the number of congressional representatives for the State of Hawaii is two (2). A copy will be given to the Commission at the next meeting.
- B. In response to a question posed at a previous meeting, Mr. Yoshina explained that the Commission is not covered under the pre-clearance requirements of the Voting Rights Act.
- C. The Commission staff received correspondence from Marge Schaefer, a member of the Maui Advisory Council. She proposed that testimony by the Advisory Council members not be subject to the rule for public testimony.

Commissioner Masumoto mentioned that the Advisory Councils are part of the Commission and should have time set aside for them on future agendas.

Chairperson Minami instructed the staff to respond to Ms. Schaefer's letter in the affirmative.

V. Executive Session

Commissioner Lori Hoo moved for the Commission to go into executive session to consult with the Commission's legal counsel on questions and issues pertaining to the Commission's powers and duties with respect to setting standards and criteria for redistricting. Commissioner Frierson seconded the motion.

The Commission went into executive session by a unanimous vote of the Commissioners present at 3:21 p.m. The public meeting reconvened at 4:20 p.m.

VI. Other Business

Minutes of the Fourth Regular Meeting of the 2001 Reapportionment Commission
Page 12

- Chairperson Minami noted that decision-making on the following issues will take place on June 28, 2001:
 - Population Base - non-resident exclusions
 - Single-member v. multi-member districts
 - Standards and Criteria
 - Formation of Committees

A member of the public asked if the public would be able to voice public testimony or suggestions on the issues that will be voted on at the next meeting.

Chairperson Minami mentioned that the agenda that will be posted will identify the issues that will be decided on. The public as well as the Advisory Council will be able to voice their comments at the beginning of the meeting.

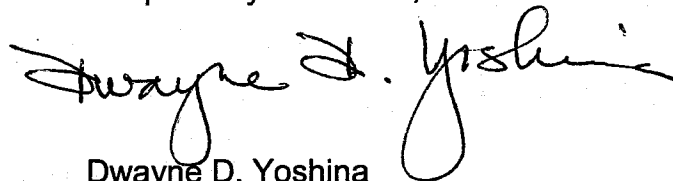
Another member of the public mentioned that the redistricting proposals that the technical staff produces would not be valid until the Commission decides. He asked if there would be any way that the proposals would be available for review. Chairperson Minami responded that the Commission has not discussed it yet, but will take it into consideration. He clarified that the technical committee has not yet been formed.

VII. Adjournment

The next scheduled meeting is Thursday, June 28, 2001, 2:00 p.m. at the Hawaii State Capitol, Room 329.

With no other business to discuss, the Fourth Regular Meeting of the 2001 Reapportionment Commission was adjourned at 4:21 p.m.

Respectfully submitted,



Dwayne D. Yoshina
Chief Election Officer
Secretary of the
2001 Reapportionment Commission

**MINUTES OF THE
FIFTH REGULAR MEETING OF THE
2001 REAPPORTIONMENT COMMISSION**

**June 28, 2001
2:00 p.m.**

**Hawaii State Capitol
Room 329
Honolulu, Hawaii**

Commissioners in Attendance:

Mr. Wayne K. Minami, Chairperson
Mr. Deron K. Akiona
Ms. Jill E. Frierson
Ms. Lori Hoo
Mr. Lynn C. Kinney
Mr. Kenneth T.G. Lum
Mr. Harold S. Masumoto
Mr. David Rae

Commissioners Excused from the Meeting:

Mr. Richard R. Clifton, Vice-Chairperson

Advisory Council in Attendance:

Mr. Stephen Goodenow, Oahu
Mr. Jim Hall, Oahu
Ms. Georgine Busch, Hawaii
Mr. Frank Jung, Hawaii
Mr. Wayne Metcalf, Hawaii
Ms. Shirley Spencer, Hawaii
Mr. Mark Andrews, Maui
Mr. Fred Rohlfing, Maui
Ms. Madge Schaefer, Maui
Ms. Betty Chandler, Kauai
Mr. Dennis Esaki, Kauai
Mr. Jerome Hew, Kauai
Ms. Trinetta Kauai, Kauai

Technical Support Staff in Attendance:

Mr. Dwayne D. Yoshina, Office of Elections
Mr. David Rosenbrock, Office of Elections/Reapportionment Staff

Minutes of the Fifth Regular Meeting of the 2001 Reapportionment Commission
Page 2

Mr. Lawrence Chun, Office of Elections/Reapportionment Staff
Ms. Cynthia Fukunaga, Office of Elections/Reapportionment Staff
Mr. Strather Ing, Office of Elections/Reapportionment Staff
Ms. Keala Naluai, Office of Elections/Reapportionment Staff
Mr. Scott Nago, Office of Elections
Mr. Rex Quidilla, Office of Elections
Ms. Robynn Yokooji, Office of Elections
Mr. Brian Aburano, Department of the Attorney General
Mr. Aaron Schulaner, Department of the Attorney General

Consultant Services Contractor:

Mr. Royce Jones, ESRI

Observers Present:

Mr. Larry Meacham, Common Cause Hawaii
Mr. Kevin Dayton, Honolulu Advertiser
Mr. Jean Aoki, League of Women Voters
Mr. Marc Oto, Speaker of the House Office
Mr. Brad Stein, Carter & Burgess
Mr. Shelton Jim On, Hawaii Republican Party
Mr. Charles Carole, League of Women Voters
Mr. Chadd Kadota, Clerk's Office City & County
Mr. Karl Rhoads, Downtown Neighborhood Board
Mr. Ross Segawa, Public Observer
Mr. Glen Takahashi, City Clerks Office
Mr. Tom Gill, American Civil Liberties Union
Mr. Pat Omandam, Honolulu Star Bulletin
Mr. Stephen Morgan
Mr. Jason Koran, Office of the Governor
Mr. Dexter Pagdilao, Office of the Governor
Rep. Willie Espero, Legislature

I. Call to Order

Chairperson, Wayne Minami, called the Fifth Regular Meeting of the 2001 Reapportionment Commission to order at 2:10 p.m. in Conference Room 329 of the Hawaii State Capitol, Honolulu, Hawaii.

II. Approval of Minutes

Commissioner Jill Frierson moved to have the minutes of the Fourth Regular Meeting of the 2001 Reapportionment Commission on June 21, 2001 approved. Commissioner Lynn Kinney seconded the motion. The motion was carried unanimously by the Commissioners in attendance.

PROCEEDINGS

III. Advisory Council Testimony

Chairperson Wayne Minami invited the Advisory Council members in attendance to give public testimony on the issues that the Commission would be making decision on at today's meeting.

A. Testimony by Mr. Fred Rohlfing, Maui Advisory Council Member

Mr. Rohlfing provided the commissioners with oral and written testimony related to the State's reapportionment population base. He favors the exclusion of all five categories of non-resident populations to establish the reapportionment population base, particularly as it related to the alien population. He asserted that these populations are in pockets and their inclusion would increase the "weight" of a voter's vote in the district where pockets of aliens exist. His written testimony is found in Appendix A.

B. Commissioner Kinney asked Mr. Rohlfing how he would exclude the alien population if nobody knows where they are. They are not registered with social security numbers and they may be working illegally. Commissioner Kinney asked how you can tell who are the aliens and who are not. Mr. Rohlfing stated that he presumes that the INS knows where the aliens are and it appears that the INS has not provided the information to the Commission. Mr. Rohlfing mentioned that the Commission should do whatever they can to get as much information as possible so as to be able to exclude aliens.

C. Chairperson Wayne Minami explained to Mr. Rohlfing and others in attendance that the project staff had met with the INS Deputy Director and they offered to provide information on aliens that are contained in their "CLAIMS" file. That data contains information on aliens that have applied for naturalization and they could provide the number of applicants and their zip codes. However, they also said that the confidence level is low and that they could not assure the Commission that the information will be provided in a timely basis. The "CLAIMS" file are for people who have applied for naturalization, but it is not the total alien population.

Chairperson Minami explained to Mr. Rohlfing that the "CLAIMS" file is to the extent to which they have information that they could provide us with. The Commission is not left with a lot of data in order to identify the alien population and where they reside.

D. Based on his experience with government entities, Mr. Rohlfing mentioned that they tend to find reasons not to do something rather than find reasons why they should do something. He felt that the Commission should try to do all they can to get as much information and data as possible. Mr. Rohlfing felt that the issue is important to consider as they proceed with their decision.

- E. Commissioner Deron Akiona compared Mr. Rohlfing's argument with the children population. There are families with three to four kids per family. He asked if there would be the same argument that the kids would also dilute the vote count.

Mr. Rohlfing responded that if there is a population growth of children statewide where the population would balance throughout the State, unlike the alien population, they are concentrated in certain areas.

IV. Public Testimony

Chairperson Minami invited all members of the public in attendance to give public testimony on the issues that the Commission would be making a decision on at today's meeting.

A. Mr. Larry Meachem, Common Cause Hawaii

1. He reiterated that the Hawaii State Constitution does mention "permanent residents".
2. If the Commission starts to figure out the population by voters, it is a "slippery slope" because the degree of registration in different districts is quite different. The "permanent resident" base is a more stable base. In terms of elections, aliens are in the same position as young people, in that they are future voters and when they become citizens they can vote. You can't count out teenagers, so you shouldn't count out aliens.

Commissioner David Rae asked Mr. Meachem if he would characterize felons in the same category, i.e., people who are temporally unable to vote. Mr. Meachem responded affirmatively.

B. Ms. Jean Aoki, League of Women Voters

She argued that aliens, especially legal aliens, do pay taxes and as long as they are accepted as legal residents in Hawaii, they should be represented whether they have the right to vote or not. For them to be represented, they need to be counted as part of the population.

Commissioner Kinney asked Ms. Aoki how one can be so sure that aliens do pay taxes. Ms. Aoki responded that if they escape the income tax, they still would be paying the excise tax and all other taxes that are being collected along the way. Ms. Aoki added that they do pay part of the taxes, maybe they pay all of the taxes, but she is not positive about that. Ms. Aoki continued by saying that if aliens own property, they would be paying property taxes and if they rent, they would also pay property taxes.

C. Joint Written Testimony from Common Cause and the League of Women Voters

Written testimony relating to single-member districts and multi-member districts was received from Common Cause and The League of Women Voters. The organizations take no position on this issue; they request that that the issue be provided fair and impartial consideration.

V. Decision Making

After all Advisory Councils and public testimony was heard, the Commission went into its decision making process.

The Commissioners decided upon:

- the population base on which apportionment and redistricting would proceed;
- whether districts would be single or multi-member;
- the standards and criteria which would guide the redistricting activities; and
- the establishment of a Technical Committee and a Public Information Committee.

Preliminarily, Commissioner Rae mentioned that the population base to be used by the Commission was an important issue. He wanted to make it clear to the public, as it is clear to the Commission, that in terms of subtracting non-residents from the census which is the base number they have to work with, they are not talking about excluding somebody's right to vote. They have the ability to register wherever they are and cast a vote for somebody. The term disenfranchise is not depriving the right to vote but is whether or not they are to be represented. Commissioner Rae's personal feelings are that he is "a little torn about subtracting people from the population, even though the constitution says 'permanent residents'." The basis that he will go by will be to answer the question: Do we have a very sound number and basis upon which to make that deduction and therefore comply with the Constitution? If it's not so sound and if it's wishy-washy, his tendency will be to have them included in the population base.

A. Population Base

1. Non-resident Students: Chairperson Minami moved that the Reapportionment Commission shall exclude non-resident students from the population base to reapportion and redistrict the 2001 state legislative districts. Commissioner Jill Frierson seconded the motion.

Discussion:

- a. Commissioner Frierson stated for the record that with the State Constitution being the way it is, you have a class of people that declare themselves as non-residents. We put them through some sort of process

to identify their residency so that we can charge them non-resident tuition or they pay their taxes in another state. She says that they don't really have a choice but to exclude them in the population base.

- b. Commissioner Rae mentioned that this is a case where he doesn't particularly like the way the State Constitution is written for the reasons he previously gave, but he does agree with Commissioner Frierson and will move to exclude them.

Role Call:

Commissioners Akiona, Frierson, Hoo, Kinney, Lum, Masumoto, Rae and Chairperson Minami voted yes to exclude non-resident students from the population base. Commissioner Clifton was absent and excused from voting. With eight (8) affirmative votes and one (1) excused, the motion was carried.

The 2001 Reapportionment Commission will exclude non-resident students from the population base.

2. Sentenced Felons: Chairperson Minami moved that the Reapportionment Commission shall exclude sentenced felons from the population base to reapportion and redistrict the 2001 state legislative districts. Commissioner Kenny Lum seconded the motion.

Discussion:

- a. Commissioner David Rae mentioned that he will be voting no for the following reasons: (1) Captives are certainly termed residents of the State of Hawaii, (2) felons are certainly our brothers and sisters, we don't import people from somewhere else, (3) we hope that they will become eligible voters at some point in the future. He feels that the question is that does their numbers disproportionately do anything, as Commissioner Frierson pointed out at the last meeting. According to what he understands, there are over 1,400 – 1,500 felons spread over six (6) or seven (7) institutions throughout the state. He feels that it is not a major concern to exclude them.
- b. Commissioner Harold Masumoto mentioned that he was told earlier by the Attorney General's office that felons do not automatically lose their right to vote.

Mr. Aaron Schulaner, Deputy Attorney General, replied in the affirmative. He said that it is a question of whether or not a sentenced felon is incarcerated, or if the sentence was suspended, or an individual is paroled. If the sentence is suspended or if the person is on parole, that individual is allowed to vote. An incarcerated felon is allowed to vote upon

discharge. Commissioner Kinney asked if it included all degrees of felons. Mr. Schulaner answered affirmatively. He reiterated that while an individual is incarcerated, that person cannot vote.

Commissioner Masumoto asked if there was a record of how many were incarcerated for ten years or more. Mr. Rosenbrock answered that the file that they received separated the number of incarcerated felons and felons that were on probation.

Role Call:

Commissioners Akiona, Frierson, Hoo, Kinney, Lum, Masumoto, Rae and Chairperson Minami voted no to exclude sentenced felons from the population base. Commissioner Clifton was absent and excused from voting. With eight (8) negative votes and one (1) excused, the motion failed.

The 2001 Reapportionment Commission will include sentenced felons in the population base.

3. Non-resident Military: Chairperson Minami moved that the Reapportionment Commission shall exclude non-resident military from the population base to reapportion and redistrict the 2001 state legislative districts. Commissioner Rae seconded the motion.

Discussion:

- a. Commissioner Frierson commented for the record that the data that they have from the military seemed to be very sensitively careful to pick military members that have declared to be residents of other states and given the constitution, she can't see how they can argue with that.
- b. Commissioner Rae agreed with Commissioner Frierson but mentioned that he is somewhat sensitive that they may not be counted somewhere else in terms of electors. Commissioner Rae does agree that they have good data for this. He further noted that their location may be disproportionate by a representative district, especially single barracks issues, therefore he will be voting to exclude this population.

Roll Call:

Commissioners Akiona, Frierson, Hoo, Kinney, Lum, Masumoto, Rae and Chairperson Minami voted yes to exclude non-resident military from the population base. Commissioner Clifton was absent and excused from voting. With eight (8) affirmative votes and one (1) excused, the motion was carried.

The 2001 Reapportionment Commission will exclude non-resident military from the population base.

4. Non-resident Military Dependents: Chairperson Minami moved that the Reapportionment Commission shall exclude non-resident military dependents from the population base to reapportion and redistrict the 2001 state legislative districts. Commissioner Frierson seconded the motion.

Discussion:

- a. Commissioner Rae states that he thinks the data is very questionable as to the process in which the data was acquired, having to go through a couple of hoops, and he thinks that there is a problem there. He also feels that the children go to state schools, there are working families where the wife or spouse may have a job in town and be full operative members of the community. Therefore he will be voting to include them.
- b. Chairperson Minami read his statement to the Commission:

In doing our work, we must be mindful of the constitutional requirements as prior reapportionment plans have been ruled unconstitutional. As a result, we have to be very careful in what we do that they do meet constitutional requirements.

With regards to congressional redistricting, we don't allow any exclusions from the census figures.

With state redistricting, however, the Supreme Court has given us some flexibility and seems to allow states to exclude some categories of people, which is what we are considering today. Our constitution says that we will count 'permanent residents'. That term is not defined in the constitution or the statutes, but it seems to distinguish between permanent and temporary residents. Exclusions must be identified because we then have to exclude them from specific census blocks.

"That's the same problem we have with aliens. In trying to exclude them, we run into a problem."

With regard to servicemen who have declared residency in another state, it is easy for us to exclude them. We have that same issue with non-resident students, they have identified to the school a permanent residence other than Hawaii and we should exclude them.

Military dependents of service personnel who have out of state residency are more difficult. The '91 Reapportionment Commission said in its report, that '98% of the dependents will follow the residency of the sponsor'. We have tried to find the source of that conclusion and the staff has been unable to find the basis of that conclusion. These military dependents are residents who use state services, they attend our schools, they pay state taxes if they work and given the preference of the courts to carefully review exclusions, I would lean in favor of

inclusion unless we have a clear basis for exclusion. In the case of military dependents, we have no clear basis for excluding them and I would vote no on this motion.

- c. Commissioner Frierson raised the question that "if we have no clear basis for excluding them, then how did they get the numbers?" Her understanding is that the Social Security Number of the active military was run through various military systems that counted dependents (i.e., the health system, that it was specifically tied to dependents by the SSN number of the active military). It seems that they are here today and gone tomorrow, if we are not encouraged to include non-residents, then you could make an equally good case with these people who follow their families to be non-resident as well. She will be voting in favor to exclude them.

Roll Call:

Commissioners Akiona, Hoo, Kinney, Lum, Masumoto, Rae, and Chairperson Minami voted no to exclude non-resident military dependents from the population base. Commissioner Frierson voted yes to excluding non-resident military dependents to the population base. Commissioner Clifton was absent and excused from voting. With seven (7) negative votes, one (1) affirmative vote, and one (1) excused, the motion failed.

The 2001 Reapportionment Commission will include non-resident military dependents in the population base.

5. Aliens: Chairperson Minami moved that the Reapportionment Commission shall exclude aliens from the population base to reapportion and redistrict the 2001 state legislative districts. Commissioner Akiona seconded the motion.

Discussion:

- a. Commissioner Rae stated that it has been proven difficult to the timeline that is upon them. Where we think the aliens may or may not be in a pluralistic society is problematic. He mentioned that he will be voting no on this issue.
- b. Commissioner Hoo mentioned that she appreciated Mr. Rohlifing's comments today, but in regards to the last comment he made about the bureaucracy of the government. The practical reality is that, based on the time constraints the Commission is faced with, she does not see them being able to get the numbers on time.

Roll Call:

Commissioners Akiona, Frierson, Hoo, Kinney, Lum, Masumoto, Rae and Chairperson Minami voted no to exclude aliens from the population base. Commissioner Clifton was absent and excused from voting. With eight (8) negative votes and one (1) excused, the motion failed.

The 2001 Reapportionment Commission will include aliens in the population base.

B. Single-member v. Multi-member Districts

Chairperson Minami mentioned that the Commission vote on the issue of multi-member districts and therefore forgo the single-member district voting, because the results of the multi-member district will determine the single-member districts.

Chairperson Minami moved that the Reapportionment Commission may use multi-member districts to reapportion and redistrict the 2001 state legislative districts. Commissioner Akiona seconded the motion.

Discussion:

- a. Commissioner Frierson stated that she will be voting for single-member districts, even though she can appreciate some of the plusses of multi-member districts. She mentioned some of the problems of multi-member districts which are: it is a high cost for the candidates to run, the ease in which one might submerge an ethnic or political minority, and the fact that Hawaii has very little government that is very close to the people. Commissioner Frierson noted that we don't have municipal government the way that a lot of mainland areas do. Our state representative districts are the smallest districts in our State and there is an accountability that comes from that. For these reasons, she said that she will be voting for single-member districts.

Roll Call:

Commissioners Akiona, Frierson, Hoo, Kinney, Lum, Masumoto, Rae and Chairperson Minami voted no to multi-member districts to reapportion the state legislative districts. Commissioner Clifton was absent and excused from voting. With eight (8) negative votes and one (1) excused, the motion failed.

The 2001 Reapportionment Commission may not use multi-member districts.

C. Standards and Criteria

Chairperson Minami moved that the Reapportionment Commission shall adopt the attached Standards and Criteria for the 2001 reapportionment and redistricting. Commissioner Akiona seconded the motion.

Discussion:

Chairperson Minami mentioned to the Commission that there were a few changes made to the Standards and Criteria since the last meeting:

1. One change broadens the ability of the public to submit testimony or comments to the Commission (pg. 2, bullet 3).
2. Under the "if practicable" section, no district shall extend beyond the boundaries of any basic island unit was added in as well as an asterisk which includes language from the Deputy Attorney General, indicating that there are constitutional limitations in following that criteria (pg. 3).
3. Based on the decisions by the Commission today, the population base will be adjusted and changed. It will be amended to reflect today's decisions.

Commissioner Rae pointed out that although the criteria states that the districts shall be within a district (i.e., House districts within Senate districts), that it is not going to happen because of the odd number of districts.

Roll Call:

Commissioners Akiona, Frierson, Hoo, Kinney, Lum, Masumoto, Rae, and Chairperson Minami voted yes to adopt the 2001 Reapportionment Commission Standards and Criteria, as amended by today's decisions on the population base that will be used for the Reapportionment Commission. Commissioner Clifton was absent and excused from voting. With eight (8) affirmative votes and one (1) excused, the motion carried.

The 2001 Reapportionment Commission will follow the adopted reapportionment standards and criteria.

D. Formation of Committees

1. Technical Committee: Chairperson Minami moved that the Reapportionment Commission shall form a technical committee as proposed at the 6/21/01 Commission meeting for the 2001 reapportionment and redistricting process.

Discussion:

- a. Chairperson Minami mentioned that the committee will consist of three members; one (1) Democrat, one (1) Republican and the Chairperson. He said that the proposal would be amended so that two alternates will be added to the composition of the technical committee.

- b. Commissioner Kinney asked who will be appointing the members of the committees. Chairperson Minami answered that each political party will select their member and alternate.

Chairperson Minami moved that the Reapportionment Commission shall form the technical committee as amended. Commissioner Kinney seconded the motion as amended.

Roll Call:

Commissioners Akiona, Frierson, Hoo, Kinney, Lum, Masumoto, Rae, and Chairperson Minami voted yes to form the technical committee. Commissioner Clifton was absent and excused from voting. With eight (8) affirmative votes and one (1) excused, the motion carried.

The 2001 Reapportionment Commission will form a technical committee.

- 2. Public Information Committee: Chairperson Minami moved that the Reapportionment Commission shall form a Public Information Committee as proposed at the 6/21/01 Commission meeting for the 2001 Reapportionment and redistricting process. Commissioner Kinney seconded the motion.

Discussion:

- a. Chairperson Minami read that the public information committee shall consist of four members; two (2) Democrats and two (2) Republicans.
- b. Commissioner Masumoto asked to make an amendment to the motion. He suggested that they add additional duties for the committee to work with the Advisory Councils from each of the islands. Chairperson Minami asked Commissioner Masumoto to expound on that suggestion. Commissioner Masumoto said that the Commission needs to get as much input as possible from the Advisory Councils. Rather than have the whole Commission work with them, he thinks that contact with the Advisory Councils should be delegated to the committee.
- c. Commissioner Frierson concurred with Commissioner Masumoto that there should be a channel to work with the Commission. She mentioned that the two alternates to the technical committee should also have contact with the Advisory Councils. Commissioner Frierson also felt that the Advisory Councils would want input into the technical committee as well.
- d. Commissioner Rae mentioned that funneling information through the committees may be a good way to make sure that the Advisory Councils are included in what the Commission is doing. He also mentioned that

theoretically the Advisory Councils are the ones that are closest to the issues on their islands, and to answer the question of what is a neighborhood, especially in the neighbor islands.

- e. Chairperson Minami mentioned that in thinking about the role of the Advisory Councils, he suggested that the Reapportionment staff meet with them and go over the computer programs and how it works. The Advisory Councils were offered to have the staff meet with them, as well as having the Deputy Attorney General present to answer any legal or constitutional issues that may arise. The Advisory Councils were advised to schedule meetings with the Commission staff. Thereafter the Councils can contact the Technical and Public Information Committees.
- f. Commissioner Rae suggested that the Advisory Councils have the meetings on their islands and schedule it as a public meeting that way the public is informed also.
- g. Ms. Betty Chandler of the Kauai Advisory Council commented that she is glad to have a public hearing, but expressed concern that they are only scheduled for one. She suggested that there be two public hearings for the island of Kauai since it is a large island. She also suggested that the Advisory Council meet with the staff separately from the public first, then allow the public to join in the meeting.
- h. Commissioner Rae asked the Commission's legal counsel if the Advisory Councils are covered under the public meeting rules that the Commission must follow. Mr. Brian Aburano, the Commission' legal counsel, said that there is a provision for public meetings of the Advisory Councils in the Commission's rules and procedures.

Chairperson Minami moved that the Reapportionment Commission form the Public Information Committee as proposed and amended. Commissioner Kinney seconded the motion as amended.

Roll Call:

Commissioners Akiona, Frierson, Hoo, Kinney, Lum, Masumoto, Rae and Chairperson Minami voted yes to form the Public Information Committee. Commissioner Clifton was absent and excused from voting. With eight (8) affirmative votes and one (1) excused, the motion carried.

The 2001 Reapportionment Commission will form a Public Information Committee.

VI. Executive Session

The Commission did not go into Executive Session.

VII. Other Business

A. Reapportionment Website

Mr. David Rosenbrock presented to the Commission and the public a mock website for the Reapportionment Commission. The website will be available on July 5, 2001. The URL of the website is www.hawaii-redistricting.org. The website will consist of current maps of the 1991 legislature, contact information, the Commission's rules and procedures, the Commission's standards and criteria, a downloadable do-it-yourself redistricting program, the Commission's calendar of meetings, frequently asked questions, and other things that involve the Reapportionment Project, including the State Constitution and Hawaii Revised Statutes concerning reapportionment. While the new maps are being made, they will be included in the website and as any changes occur, it will be updated on the website.

B. Revised Reapportionment Calendar

Chairperson Minami pointed out to the Commissioners that there is a new revised schedule for the reapportionment calendar. The public hearings have been changed so that the neighbor islands are not scheduled so close together and the Commissioners have a chance to go home. Oahu public hearings have been dispersed between the neighbor island public hearings.

- The adoption of the revised plans has been moved from October 11, 2001 to October 4, 2001.
- Commissioner Frierson mentioned that the movement of the publishing of the plans up one week is really not giving the Commission time to draw the lines.
- The Commission meetings for July 5, 2001 and July 12, 2001 were cancelled so that the staff would have the time to extract the new population base from the census blocks.
- The descriptions of the districts drawn will need to have a verbal description of that district and its boundaries.

C. Public Hearing Attendance

Mr. Dwayne Yoshina asked that the Commissioners inform the staff of the dates that they are planning on attending the public hearings so that they can coordinate the air, car and rooms of everybody.

D. Correspondence

Two letters were received from the public.

1. Joint letter from Common Cause and the League of Women Voters – please see “Public Comment, Section IV C, above. (See Appendix B)

2. Chief Ranger notes that there are some residents at the summit of Haleakala who are inconvenienced because of their location and the location of their polling place. The Technical Committee will be advised of this letter. (See Appendix C)

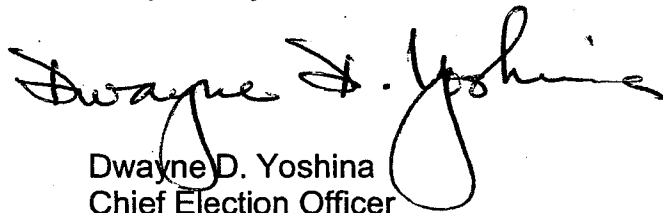
The next scheduled meeting is Thursday, July 19, 2001, 2:00 p.m. at the Hawaii State Capitol, Room 329.

VIII. Adjournment

With no other business to discuss, Commissioner Akiona moved to adjourn the Fifth Regular Meeting of the 2001 Reapportionment Commission. Commissioner Akiona seconded the motion.

The Fifth Regular Meeting of the 2001 Reapportionment Commission was adjourned at 3:35 p.m.

Respectfully submitted,



Dwayne D. Yoshina
Chief Election Officer
Secretary of the
2001 Reapportionment Commission



Comments re: Agenda Item V (A) Population Base - Hawaii State Reapportionment
Commission Meeting, June 28, 2001

by Fred Rohlfing, member, Maui Advisory Council

Mr Chairman & Members of the Commission

It seems awfully early for a member of an Advisory Council from Neighbor Island hinterlands to be making comments. However, as the issues before you today for decision are time sensitive I have little choice if I want to make a point (as we attorneys say) for the record. I wish to make clear from the outset that I am speaking only for myself and not the Maui Advisory Council as a group.

Today I wish to comment, before the fact on your crucial decision on the population base for reapportionment 2001. In particular I want to go on record in favor of excluding all five categories mentioned on the agenda under V (A) from the population base. As there is ample precedent and readily available data to sustain exclusions 1, 2, 4 & 5, I will confine my remarks to the importance of exclusion No. 3 - Aliens.

The 1991 reapportionment Commission adopted a population base described as "permanent resident base" which included aliens. In its final report it concluded "aliens cannot be excluded from the census block figures at this time". Ominously, we heard last week, also that INS had yet to make numbers and locations of aliens in Hawaii available to this commission and was apparently relying on "privacy" grounds for its said denial of data.

✱ We all know that Hawaii has one of the highest alien populations in the nation. We used to be first of all the states, but CA, FL and TX seem to have passed us recently. We also know that this alien population is heavily concentrated in the central and West areas of O'ahu. We know that there are far fewer numbers of aliens on Maui and the other Neighbor Isles. We know that there are fewer aliens in districts where the Hawaiian ethnic population is high (Kailua, Oahu; Waimanalo, Nanakuli, Kauai etc). Therefore we can conclude if aliens are included in the 2001 reapportionment population base, Representative and Senate districts will be created in urban O'ahu (Central and West) where there will be markedly fewer eligible voters (e.g. citizens of our state) and hence actual voters per district than in comparable districts on the Neighbor Isles.¹

✱ In effect, your selection today of the appropriate population base makes a material difference: apportionment by population (permanent residents including aliens) can and

¹ *Advisory Council member Jim Hall has a chart matching voter/population statistics of six Neighbor Islands district with six central and western representative districts on Oahu where total population of the six districts was relatively the same but an average of 8,500 voters elected 6 reps from the Big Is. and the same number of reps were elected by 4,500 voters from O'ahu.*

in this case will result in unequally weighted votes. Put another way... fewer voters elect representatives/senators to office on Oahu than on Maui...so they are over-represented in the legislature while Maui's voter is under represented. The same is true of a genuinely identifiable minority ethnic/cultural group – the Hawaiians (which should give many a liberal Democrat some pause for reflection).

⊗ While I will try not to go into too much detail there is a most eye-opening opinion in an early 90's 9th Circuit case which commissioners might wish to read and consider before voting on the alien exclusion issue. The case is Garza v. County of Los Angeles. 918 F.2d 763 . A Concurring and Dissenting, in part opinion by Circuit Judge Kozinski extensively discusses Supreme Court decisions from Reynolds v. Sims on and speaks eloquently in favor of the principle of electoral equality. This principle recognizes that electors—persons eligible to vote- are the ones who hold the ultimate political power in our democracy. As Kozinski points out "This is an important power reserved only to certain members of society; states are not required to bestow it upon aliens, transients, short-term residents, persons convicted of crime, or those considered too young... The principle of electoral equality assures that regardless of the size of the whole body of constituents, political power, as defined by the number of those eligible to vote, is equalized as between districts holding the same number of representatives. It also assures that those eligible to vote do not suffer dilution of that important right by having their vote given less weight than that of electors in another location".

Kozinski, goes on to note:

"It is very difficult, in my view to read the Supreme Court's pronouncements in this area without concluding that what lies at the core of one person one vote is the principle of electoral equality. not that of equality of representation" and

" ...a careful reading of the (Supreme) Court's opinions suggests that equalizing total population is viewed not an end in itself, but as a means of achieving electoral equality" (citing Reynolds : "the overriding objective must be substantial equality of population among the various districts so that the vote of any citizen is approximately equal in weight to that of any other citizen in he state" P 579, 84 S. Ct at 1390. (Emphasis added).

I am aware that our State Constitution was amended to allow the use of "total number(s) of permanent residents in each of the basic island unit "for apportionment purposes. It is not the first time, though we may be out of sync with the mainstream decisions of the Supreme Court. It is worth noting that the Court said it was OK for Hawaii to use a base of "registered voters" in Burns v. Richardson. What IS important now is what the Supreme Court would say today given numerous decisions in the wake of Reynolds v. Sims.²

² *One striking example – the Court's statement in Hadley v. Jr. College District (397 U.S. at 52) that: [T]he Fourteenth Amendment requires that the trustees of this... district be apportioned in a manner that does not deprive any voter of his right to have his own vote given as much weight, as far as practicable, as that of any other voter in the ... district. " "The states are required to insure that each person's vote counts as muc, in so far as practicable, as any other persons>" (397 US at 54)*

The bottom line therefore is that if "one person one vote" is to have constitutional validity it must protect a right uniquely held by citizens - and it would be a dilution of that right to permit non-citizens (aliens) to share therein.

As for how we get the information from INS... (e.g. where the aliens live).....I for one feel that this Commission should proceed to exhaust all of its remedies in such an effort before rolling over. It should start with a political effort, of course (we have a pretty senior Democrat Senator in Washington). If need be a Freedom of Information lawsuit could be filed and expedited by our federal courts In my view, if we're going to do this thing - lets do it right!



THE ROTTEN BOROUGHS OF OAHU

DO THEY MATCH UP WITH THE NEIGHBOR ISLAND DISTRICTS?

SIX (6) BIG ISLAND DISTRICTS REGISTRATION & TURN-OUT & 2000 CENSUS - TOTAL POPULATION (Unadjusted)

DIST. NO.	AREA	TOTAL POP	REGIS.	TURN-OUT	INCUMBENT
1.	(Hamakua/N.Kohala)	22,517	12,258	7,705	Democrat
2.	(S. Hilo)	21,975	12,781	7,734	Democrat
3.	(S.Hilo/Puna)	23,544	14,184	9,706	Democrat
4.	(Ka'u/Puna)	30,378	15,632	9,248	Democrat
5.	(N. & S.Kona)	23,031	14,375	8,367	Republican
6.	(S.Kohala/N.Kona)	27,232	15,191	8,628	Republican
Totals		148,677	83,421	51,386	Six Reps
Average		24,780	13,904	8,564	

EIGHT (8) MAUI/KAUAI DISTRICTS - REGISTRATION & TURN-OUT & 2000 CENSUS - TOTAL POPULATION (Unadjusted)

DIST. NO.	AREA	TOTAL POP.	REGIS.	TURN-OUT	INCUMBENT
7.	(Lahaina-Molokai)	21,173	11,501	6,015	Republican
8.	(Waiehu/Napili)	25,181	13,312	6,961	Democrat
9.	(Kahului/Wailuku)	23,395	11,926	7,560	Democrat
10.	(Puunene/Kula)	21,918	13,438	7,821	Republican
11.	(S. Maui)	26,727	17,327	8,259	Republican
12.	(Maui-Kauai)	25,533	14,787	8,525	Democrat
13.	(Lihue/Kapaa)	21,209	12,737	8,247	Democrat
14.	(Koloa/Waimea)	21,568	12,955	8,521	Democrat
Totals		186,704	107,983	61,909	Eight Reps
Average:		23,338	13,498	7,739	

SIX (6) OAHU DISTRICTS - LOWEST REGISTRATION & TURN-OUT (2000) & 2000 CENSUS - TOTAL POPULATION (Unadjusted)

DIST. NO.	AREA	TOTAL POP.	REGIS.	TURN-OUT	INCUMBENT
30.	(Kalihi Kai, Mapunapuna)	17,766	7,813	3,524	Democrat
29.	(Kalihi/Moanalua)	21,344	8,331	4,432	Democrat
44.	(Makaha/Waianae)	21,732	9,733	4,484	Republican
43.	(Nanakuli/Maili)	24,990	9,756	4,430	Democrat
32.	(Aiea/Salt Lake)	39,436	10,356	4,761	Republican
22.	(McCully/Moilili)	18,364	9,069	4,920	Democrat
Totals		143,632	55,058	26,551	Six Representatives
Average:		23,939	9,176	4,425	

PLEASE NOTE: An average of 8,564 voters per district elected 6 representatives on the Big Island and an average of 4,425 voters in the "rotten boroughs" elected 6 representatives! On Maui/Kauai, an average of 7,739 voters per district elected 8 representatives! Also note: Avg. district total population relatively the same.



**U.S. SUPREME COURT OPINIONS
RE: ONE MAN ONE VOTE**



U.S. Supreme Court re: One Man One Vote

**Apportionment by proportion of eligible voters serves the principle of electoral equality. This principle recognizes that electors -- persons eligible to vote -- are the ones who hold the ultimate political power in our democracy. This is an important power reserved only to certain members of society; states are not required to bestow it upon aliens, transients, short-term residents, persons convicted of crime, or those considered too young.*

Rotunda & J.N. Young Constitutional Law at 722-23 (3d ed. 1986)

Reynolds v. Sims

"Weighting the votes of *citizens* differently, by any method or means, merely because of where they happen to reside hardly seems justifiable." 377 U.S. at 563, 84 S.Ct. at 1382

"With respect to the allocation of legislative representation, all *voters*, as *citizens* of a State, stand in the same relation regardless of where they live." Id. At 565, 84 S. Ct. at 1383

"Simply stated, an individual's right to vote for state legislators is unconstitutionally impaired when its weight is in a substantial fashion diluted when compared with votes of *citizens* living in other parts of the State." Id. At 568m 84 S.Ct. at 1385

"...the basic principle of representative government remains, and must remain, unchanged -- the weight of a *citizen's* vote cannot be made to depend on where he lives..." id. At 567, 84 S.Ct. at 1384

"[T]he judicial focus must be concentrated upon ascertaining whether there has been any discrimination against certain of the State's *citizens* which constitutes an impermissible impairment of their constitutionally protected right to vote." 377 U.S. at 561m 84 S.Ct. at 1381.

"Full and effective participation by all *citizens* in state government requires, therefore, that each *citizen* have an equally effective voice in the election of members of his state legislature." Id. At 565, 84 S.Ct. at 1383.

"And the right of suffrage can be denied by a debasement or dilution of the weight of a *citizen's* vote just as effectively as by wholly prohibiting the free exercise of the franchise." Id. At 555, 84 S.Ct. at 1378.

"[t]o the extent that a *citizen's* right to vote is debased, he is that much less a *citizen*." Id. At 567, 84 S.Ct. at 1384.

Wesberry v Sanders

"To say that a vote is worth more in one district than in another would not only run counter to our fundamental ideas of democratic government, it would cast aside the principle of a House of Representatives elected 'by the people.' " 376 U.S. 1,8, 84 S.Ct. 526, 530, 11 L.Ed, 2d 481 (1964)

Gray v. Sanders

"Once the geographical unit for which a representative is to be chosen is designated, all who participate in the election are to have an equal vote -- whatever their race, whatever their sex, whatever their occupation, whatever their income, and where their home may be in that geographical unit. " 372 U.S. 368, 379, 83 S. Ct. 801, 808, 9 L.Ed.2d 821 (1963)

"Once a State has decided to use the process of popular election and 'once the class of voters is chosen and their qualifications specified, we see no constitutional way by which equality of voting power may be evaded.'" 372 U.S. at 381, 83 St.Ct. at 809

Hadley v. Junior College Distr.

"[W]hen members of an elected body are chosen from separate districts, each district must be established on a basis that will insure, as far as is practicable, that equal numbers of *voters* can vote for proportionally equal numbers of officials." 397 U.S. 50m 56, 90 S. Ct. 791m 795, 25 L.Ed, 2d 45 (1970)

"[T]he Fourteenth Amendment requires that the trustees of this junior college district be apportioned in a manner that does not deprive any *voter* of his right to have his own vote given as much weight, as far as is practicable, as that of any other *voter* in the junior college district." 397 U.S. at 52, 90 S.Ct. at 792.

"[A] qualified *voter* has a constitutional right to vote in elections without having his vote wrongfully denied, debased, or diluted." *Id.*

"This Court has consistently held in a long series of cases, that in situations involving elections, the States are required to insure that *each person's vote* counts as much, insofar as it is practicable, as any other person's." *Id* at 54, 90 S.Ct. at 794

Chapman v. Meier

"All *citizens* are affected when an apportionment plan provides disproportionate voting strength, and *citizens* in districts that are underrepresented lose something even if they do not belong to a specific minority group." 420 U.S. 1m 24m 95 S. Ct. 751m 764m 42 L.Ed.2d 766 (1975)

Lockport v. Citizens for Community Action

"[I]n voting for their legislators, all *citizens* have an equal interest in representative democracy, and ... the concept of equal protection therefore requires that their votes be given equal weight." 430 U.S. 259, 265m 97 S. Ct. 1047, 1052, 51 L.Ed. 2d 313 (1977)

Board of Estimate v. Morris

"In calculating the deviation among districts, the relevant inquiry is whether 'the vote of any *citizen* is approximately equal in weight to that of any other *citizen*.'" 489 U.S. 688, 109 S.Ct. 1433, 1441, 103 L.Ed.2d 717 (1989)

"The personal right to vote is a value in itself, and a *citizen* is, without more and without mathematically calculating his power to determine the outcome of an election, shortchanged if he may vote for only one representative when *citizens* in a neighboring district, of equal population vote for two; or to put it another way, if he may vote for one representative and the *voters* in another district half the size also elect one representative." Morris, 109 S.Ct. at 1440

Burns v. Richardson

"The dispute over use of distribution according to registered voters as a basis for Hawaiian apportionment arises because of the sizable differences in results produced by the distribution in contrast to that produced by the distribution according to the State's total population, as measured by the federal census figures. In 1960 Oahu's share of Hawaii's total population was 79%. Its share of persons actually registered was 73%. On the basis of total population, Oahu would be assigned 40 members of the 51-member house of representatives on the basis of registered voters it would be entitled to 37 representatives. Probably because of uneven distribution of military residents - largely unregistered - the differences among various districts on Oahu are even more striking. For example, on a total population basis, Oahu's ninth and tenth representative districts would be entitled to 11 representatives, and the fifteenth and sixteenth representative districts would be entitled to eight. On a registered voter basis, however, the ninth and tenth districts claim only six representatives and the fifteenth and sixteenth districts are entitled to 10.

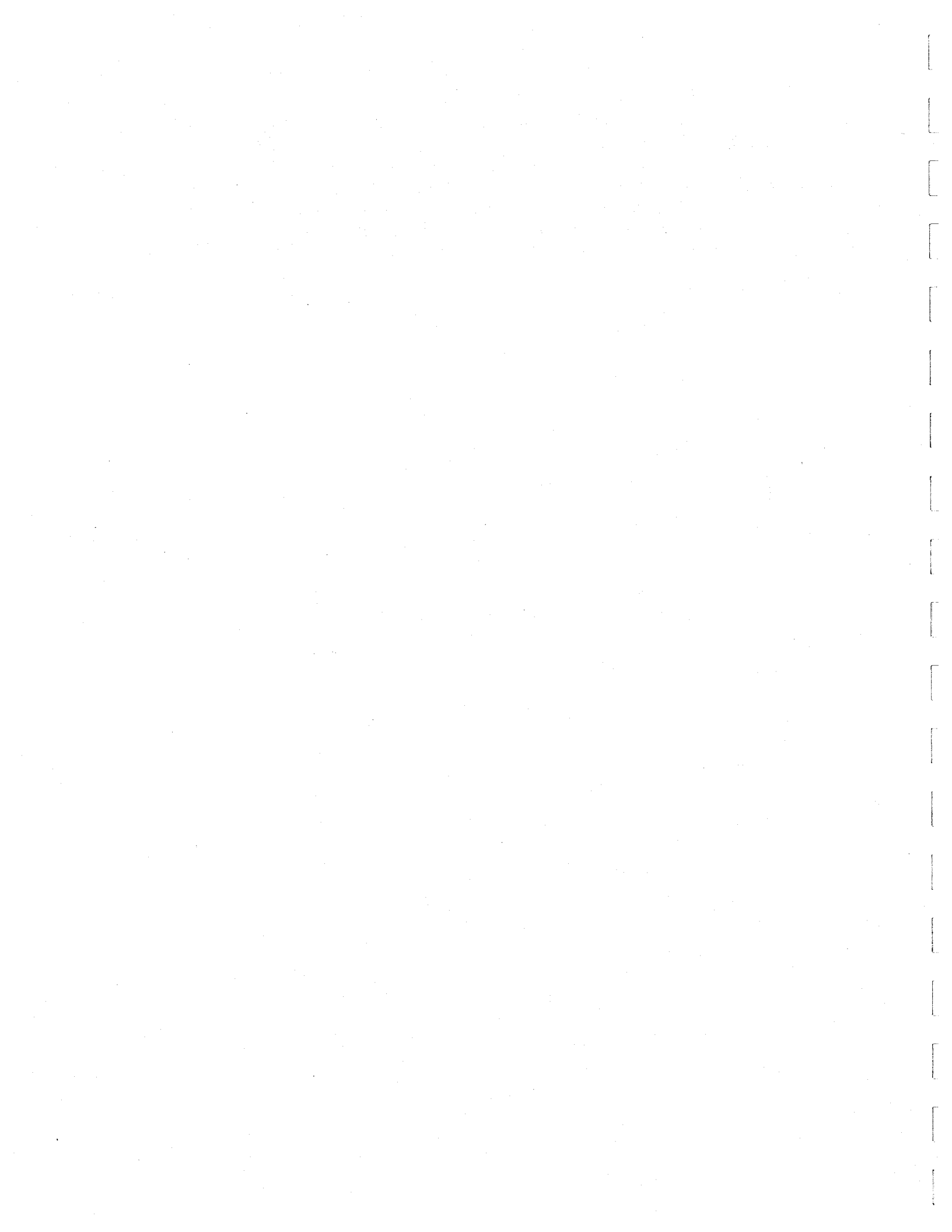
"The holding in Reynolds v. Sims, as we characterized it in the other cases decided on the same day, is that "both houses of a bicameral state legislature must be apportioned substantially on a population basis. " *We start with the proposition that the*

Equal Protection Clause does not require the States to use total population figures derived from the federal census as the standard by which this substantial population equivalency is to be measured. Although total population figures were in fact the basis of comparison in that case and most of the others decided that day, *our discussion carefully left open the question what population was being referred to.* At several points, we discussed substantial equivalence in terms of voter population or citizen population, making no distinction between the acceptability of such a test and a test based on total population. Indeed, in *WMCA, Inc. v. Lorenzo* 377 U.S. 633, decided the same day, we treated an apportionment based upon United States citizen population as presenting problems no different from apportionment using a total population measure. *Neither in Reynolds v. Sims nor in any other decision has the Court suggested that the State are required to include aliens, transients, short-term or temporary residents, or persons denied the vote for conviction of crime, in the apportionment base by which their legislators are distributed and against which compliance with the Equal Protection Clause is to be measured.* The decision to include or exclude any such group involves choices about the nature of representation with which we have been with which we have been shown no constitutionally founded reason to interfere. Unless a choice is one the Constitution forbids, cf., e.g., *Carrington v. Rash* 380 U.S. 89, the resulting apportionment base offends no constitutional bar, and compliance with the rule established in *Reynolds v. Sims* is to be measured thereby. *Burns v. Richardson*, supra 384 U.S. at 73.

More Reynolds v. Sims

"Legislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests. As long as ours is a representative form of government, and our legislatures are those instruments of government elected directly by and directly representative of the people, the right to elect legislators in a free and unimpaired fashion is a bedrock of our political system. It could hardly be gainsaid that a constitutional claim had been asserted by an allegation that certain otherwise *qualified voters* had been entirely prohibited from voting for members of their state legislature. And, if a State should provide that the *votes of citizens* in one part of the State should be given two times, or five times, or 10 times the weight of *votes of citizens* in another part of the State, it could hardly be contended that the right to vote of those residing in the disfavored areas had not been effectively diluted. It would appear extraordinary to suggest that a State could be constitutionally permitted to enact a law providing that certain of the State's *voters* could vote two, five, or 10 times for their legislative representatives, while *voters* living elsewhere could vote only once. And it is inconceivable that a state law to the effect that, in counting votes for legislators, the *votes* of citizens in one part of the State would be multiplied by two, five, or 10, while the *votes* of persons in another area would be counted only at face value, could be constitutionally sustainable. Of course, the effect of state legislative districting schemes which give the same number of representatives to unequal numbers of constituents is identical. Overweighting and overvaluation of the votes of those living here has the certain effect of dilution and undervaluation of the votes of those living there. The resulting discrimination against those *individual voters* living in disfavored areas is easily

demonstrable mathematically. Their right to vote is simply not the same right to vote as that of those living in a favored part of the State. Two, five, or 10 of them must vote before the effect of their voting is equivalent to that of their favored neighbor. Weighting the *votes of citizens* differently, by any method or means, merely because of where they happen to reside, hardly seems justifiable. One must be ever aware that the Constitution forbids "sophisticated as well as simple-minded modes of discrimination." *Lane v. Wilson* 307 U.S. 268, 275; *Gomillion v. Lightfoot*, 364 U.S. 339, 342. *Id.*, 377 U.S. at 562-563.



League of Women Voters
49 S Hotel St. Rm 314 Honolulu, HI 96813
Tel. (808) 531-7448

Common Cause Hawaii
P.O. Box 235353 Honolulu, HI 96823
Tel. (808) 737-6777

June 24, 2001

Reapportionment Commission
State Capitol
Honolulu, HI 96813

received
6/27/01
3:05 pm

Dear Sirs,

This is to request reconsideration of some points in the otherwise good draft "Analysis of Single-Member vs. Multi-Member Districts."

We do not take a position on the issue of single-member vs. multi-member districts. We only ask that the issue be given fair and impartial consideration. The draft analysis generally addresses the issues in a thorough and balanced manner, including issues of Constitutionality and minority representation.. However in the analysis of at-large districts on page 3 and multi-member districts on page 4, one of the negative items is "Is competitive and expensive to run for office."

From our viewpoint, the more competition for office, the better. It encourages a broader selection of candidates and widens discussion of different issues from different perspectives. However, we do agree that races being more expensive is a drawback. Therefore, we would suggest that the "competitive" part of this point be put included in the "pro" list, while the "expensive" part be left on the "con" list.

There are also some questionable items on the 'pro' list for single member districts on page 5:

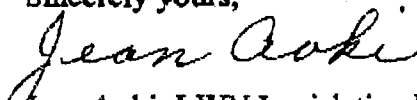
- Allows incumbents to maintain a political base, to provide services, and become harder to beat.
- Legislators prefer single-member districts for reelection purposes...
- Safer for incumbents."

Whether these are positive or negative would depend on one's point of view. Furthermore, fairness dictates that the election system should not be skewed toward incumbents or challengers. For the purposes of the discussion of single-member or multi-member districts, it might be better to list these as likely effects and not characterize them as pros or cons..

We would also like to take this occasion to applaud the fairness and openness with which the commission has been conducting its business.

Mahalo for your consideration.

Sincerely yours,


Jean Aoki, LWV Legislative Director


Larry Meacham, CCH Spokesperson





United States Department of the Interior
NATIONAL PARK SERVICE

Haleakalā National Park

PO Box 369

Makawao, HI 96768

IN REPLY REFER TO:

June 27, 2001

MEMORANDUM

To: State Reapportionment Committee
From: Chief Ranger
Subject: Voting District Designations for Haleakala National Park

Please readjust the voting districts for employees living within Haleakalā National Park as follows:

Summit Area – to vote with Kula District

Kipahulu Area – to vote with the Hana District.

Presently there are park residents only in the Summit area of Haleakala National Park. If these individuals correctly report their physical address, they are registered to vote in Keanae. The 6 hour round trip is prohibitive. Additionally, the physical distance from that community is such that there is minimal affinity between these park residents and the Keanae community. Potentially 15 employees may be affected. [Some of these individuals have obtained Rural Route addresses in Kula or elsewhere to avoid having to vote in Keanae.]

Presently there are no residents living in the Kipahulu area of Haleakala National Park, however long term plans call for up to 4 residences to be constructed within the next 5 years. Therefore, rather than treating Haleakala National Park as one entity, please specify those in the Kipahulu area to vote with the neighboring Kipahulu/Hana community. I recommend that the park be divided at the roughly North South line from Pohaku Palaha to Kuiki Ridge, and that national park residents east of that line vote with the Hana/Kipahulu community.

Mahalo for your kokua.

Karen Newton

received
6/28/01



**MINUTES OF THE
SIXTH REGULAR MEETING OF THE
2001 REAPPORTIONMENT COMMISSION**

July 19, 2001

2:00 p.m.

**Hawaii State Capitol
Room 329
Honolulu, Hawaii**

Commissioners in Attendance:

Mr. Wayne K. Minami, Chairperson
Mr. Deron K. Akiona
Ms. Jill E. Frierson
Ms. Lori Hoo
Mr. Shelton Jim On
Mr. Lynn C. Kinney
Mr. Kenneth T.G. Lum
Mr. Harold S. Masumoto
Mr. David Rae
Mr. Richard R. Clifton, former Commissioner and Vice-Chairperson

Advisory Council in Attendance:

Mr. Stephen Goodenow, Oahu
Mr. Jim Hall, Oahu
Mr. Robert Ogawa, Oahu
Ms. Geal Talbert, Oahu
Ms. Georgine Busch, Hawaii
Ms. Shirley Spencer, Hawaii
Mr. Mark Andrews, Maui
Mr. Fred Rohlfing, Maui
Ms. Madge Schaefer, Maui
Mr. Manuel Moniz, Maui
Ms. Betty Chandler, Kauai
Mr. Dennis Esaki, Kauai
Mr. Jerome Hew, Kauai
Ms. Trinette Kauai, Kauai

Technical Support Staff in Attendance:

Mr. Dwayne D. Yoshina, Office of Elections
Mr. David Rosenbrock, Office of Elections/Reapportionment Staff
Mr. Lawrence Chun, Office of Elections/Reapportionment Staff
Ms. Cynthia Fukunaga, Office of Elections/Reapportionment Staff

Minutes of the Sixth Regular Meeting of the 2001 Reapportionment Commission
Page 2

Mr. Strather Ing, Office of Elections/Reapportionment Staff
Ms. Keala Naluai, Office of Elections/Reapportionment Staff
Mr. Scott Nago, Office of Elections
Mr. Rex Quidilla, Office of Elections
Ms. Robynn Yokooji, Office of Elections
Mr. Brian Aburano, Department of the Attorney General
Mr. Aaron Schulaner, Department of the Attorney General

Consultant Services Contractor:

Mr. Royce Jones, ESRI

Observers Present:

Mr. Larry Meacham, Common Cause Hawaii
Ms. Jean Aoki, League of Women Voters
Mr. Marc Oto, Speaker of the House Office
Mr. Chadd Kadota, Clerk's Office City & County
Mr. Glen Takahashi, City Clerks Office
Mr. Pat Omandam, Honolulu Star Bulletin
Ms. Malia Schwartz, League of Women Voters
Ms. Lynne Matusow, Downtown Neighborhood Board
Ms. Jenny Cheng
Mr. Bert Warashina, Senate President Office
Ms. Joan Manke, US Representative Mink Office
Ms. Shannon Wood, the Koolau News
Rep. Chris Halford, House of Representatives
Ms. Tina Shelton, KHON TV News
Mr. Bill Kaneko, US Representative Abercrombie Office
Ms. J. Weatherford, Representative Bertha Leong Office
Ms. Barbara Marumoto, House of Representatives
Mr. Garrett Kamemoto, KGMB TV
Mr. Laurence Sagaysay
Ms. Bertha Leong, House of Representatives District 16
Mr. Clifton Takamura, Neighborhood Board 08
Ms. Laura Figueira, Senate President Office
Mr. Scott Ishikawa, Honolulu Advertiser
Mr. Pat McCain, public observer

I. Call to Order

Chairperson, Wayne Minami, called the Sixth Regular Meeting of the 2001 Reapportionment Commission to order at 2:10 p.m. in Conference Room 329 of the Hawaii State Capitol, Honolulu, Hawaii.

II. Approval of Minutes

Commissioner Jill Frierson moved to have the minutes of the Fifth Regular Meeting of the 2001 Reapportionment Commission on June 28, 2001 approved. Commissioner Deron Akiona seconded the motion. The motion was carried unanimously by the Commissioners in attendance.

III. Swearing in of Mr. Shelton Jim On

Chairperson Wayne Minami welcomed Mr. Shelton Jim On as a new member of the 2001 Reapportionment Commission. Mr. Shelton Jim On was appointed by Senator Sam Slom to fill the vacancy of Mr. Richard Clifton.

Mr. Richard Clifton resigned as 2001 Reapportionment Commissioner on June 9, 2001 due to a nomination by President Bush to serve as judge to the United States Ninth Circuit Court of Appeals. Mr. Clifton noted that although he had not been appointed, he believed it would be more difficult for a new member of the Commission to get up to speed at a later date and by resigning now he hopes to minimize the disruption of the Commission's work.

Chairperson Minami expressed gratitude on behalf of the Commission members for his service on the 2001 Reapportionment Commission during the period that he was on board.

Mr. Shelton Jim On, Senate Minority Appointee, was administered the Affirmation by Mr. Dwayne D. Yoshina, Chief Election Officer and Secretary to the Commission, and issued the Certificate of Appointment to Mr. Jim On.

PROCEEDINGS

IV. Advisory Council Testimony

Chairperson Wayne Minami invited the Advisory Council members in attendance to give public testimony to the Commission.

A. Testimony by Ms. Madge Schaefer, Maui Advisory Council Member

Ms. Schaefer asked the Commission to reconsider its decisions relating to the composition of the population base that the Commission will use for state legislative reapportionment and redistricting.

1. Exclusion of Non-Resident Military Dependents

Ms. Schaefer said that she automatically presumed that if the non-resident military personnel would be excluded from the population base, their

dependents would also be excluded, because the dependents could be identified and placed in specific census tracts in the community.

Ms. Schaefer did her own research to find a definition set by the State of residents vs. non-residents. She quoted a reference that she claimed to find in the State of Hawaii Tax Code Examples of Residents and Non-Residents, example 4 which states, "spouses of those in the military service do not become Hawaii residents if their principal reason for moving to Hawaii was the transfer of the service member spouse to Hawaii, and if it is their intention to leave Hawaii when the service member spouse either is transferred to another military station or leaves the service." Given this example, Ms. Schaefer asserted that dependents of non-resident military should be excluded from the State's population base. She stated that they are not residents according to the Tax Code. She said, "I question the Constitutional Statutes that could define non-resident military dependents as non-residents."

2. Exclusion of Aliens

After talking to the Reapportionment Staff, Ms. Schaefer said she realizes that the INS has not been forthcoming with any information regarding the alien population. Ms. Schaefer felt that the Immigration and Naturalization Service (INS) plays a very important role in Hawaii redistricting. She asked that the Reapportionment staff be allowed to go back to the INS and pursue the issue of defining locations and numbers of legal aliens in the State of Hawaii.

Ms. Schaefer claims that the impact of including the alien population in the State's population base would cause the neighbor islands to have three or four "canoe" districts. Therefore those districts would not be represented as well as they should if the districts were not "canoe-d".

3. Concluding Testimony

Ms. Schaefer claimed that taking out approximately 80,000 aliens and 41,000 non-resident military dependents is equivalent to six or seven seats. If approximately 120,000 people were be taken out of the population base and if a district ends up to be 20,000 persons, then the total number of alien and military dependents would be equivalent to six seats.

Ms. Schaefer recognized the timeline that the Commission has to follow and that they have other responsibilities to take care of. However, she requested that the Commission allow the Reapportionment staff the opportunity to conduct further study defining "residents" vs. "non-residents", which she feels would confirm her testimony. She would like the Commission to vigorously pursue the INS as to the possibility of getting information on the alien population in Hawaii.

Ms. Schaefer thanked the Commission for its consideration and hoped that they would have a sense of fairness to all the residents in Hawaii.

4. Commissioner David Rae commented on Ms. Schaefer's testimony.

Commissioner Rae emphasized that population exclusion is a difficult issue. His personal understanding is that the Census is the base document that the Commission has to use for redistricting. It is the most accurate count of the population that the Commission has and it is the basis that the United States Constitution requires the Commission to use for congressional districting.

Commissioner Rae reiterated that if a person is counted in the Census in Hawaii, they are not counted somewhere else. Wherever that somewhere else is, there is no representative for them. To take away from the population count, one must be very prudent. When it came to overlaying the State Constitution, which looks at permanent residents, it became obvious that there were two classes of people who declared in written form that they resided somewhere else. According to Commissioner Rae, they then had to be excluded. The other categories of determining non-residency required looking at other definitions (i.e., Ms. Schaefer's definition per the Tax Code) and some sort of health system data or Social Security Numbers, which began to be less clean than somebody who declared non-residency.

Commissioner Rae emphasized that it is his personal feeling that he would rather err on the side of inclusion than the side of exclusion, especially when it comes to people who are arguably members of the community, sending their children to our schools which is the State's responsibility, and paying General Excise Tax on everything they buy here on a day to day and not a temporary basis as a visitor would.

Ms. Schaefer asked that if the Commission is recognizing the dependents and excluding the active duty member, are they then diluting their vote. She argued that in essence the dependent has two representatives, the representative in the state they are residents and the state of Hawaii.

Commissioner Rae corrected Ms. Schaefer in that the military dependent was not counted in their state of residence. In other words, no one person was counted in more than one state. Commissioner Rae agreed with the idea that the active military are not counted anywhere during the Census, but is forced by the State Constitution which states "permanent residents" to exclude them.

Ms. Schaefer mentioned again that the State says military dependents are not residents. Commissioner Rae responded that it is a tax code and that the Commission was forced to look at various definitions of non-residents to determine excluding people. Commissioner Rae said, "If it is not crystal clear to me that someone wasn't going to be here, wasn't going to vote here, wasn't a participant in the community, my personal bias was to include them."

Commissioner Rae concluded by stating that he understands where Ms. Schaefer is coming from, but would rather err on the side of inclusion than exclusion.

Chairperson Minami spoke on the issue of military dependents. The active military member had declared non-resident status. For the dependents, they can be tracked but the real issue is whether or not the dependents would follow their spouse in declaring residency in another state. That is the issue that created the uncertainty because the Commission has no basis for saying that 100% of the dependents will go with their spouse or 50% will go with their spouse. Deciding how many of the dependents will go with their spouse and how many will be residents of Hawaii is the difficulty. The definition of the Tax Code, "intention" is what created the uncertainty.

Chairperson Minami corrected Ms. Schaefer in that the Defense Enrollment Eligibility Reporting System (DEERS system) does not have a record of dependents' declared place of residence. The only indication of non-residency came from the declaration of the service member because that determines their tax withholdings. There is no information on the dependents. The Commission located the dependents of the non-residents military through the DEERS system, the number and where they live. The problem is where military dependents will declare residency.

Chairperson Minami further iterated that in 1991, the Reapportionment Commission excluded military dependents. According to its report, 98% of the dependents will adopt the residency of their sponsor, but there was no basis for that conclusion. The Commission could not find a report or statistics to support that conclusion. The Commission has therefore decided on a policy of inclusion vs. exclusion.

Ms. Schaefer again asked the Commission to reconsider the exclusion of non-resident military dependents and aliens. Chairperson Minami asked the Commission if anyone would move to reconsider. There was no motion to reconsider.

Commissioner Harold Masumoto pointed out that time is running out and the Technical Committee has spent many hours trying to do what needs to be done. Reconsidering the population base and recomputing the numbers and then starting work with new numbers would put the Commission behind schedule according to their Constitutional requirement deadlines.

B. Testimony by Mr. Steve Goodenow, Oahu Advisory Council

Mr. Goodenow expressed concern about the communication that goes out to the citizens of Oahu and the other islands. He asked the Public Information Committee if he and others could get together and discuss what their plans are and supplement the committee. Speaking on behalf of the Oahu Advisory

Council, wanted to formally request a meeting with the Public Information Committee.

C. Testimony by Mr. Jim Hall, Oahu Advisory Council

Mr. Hall clarified that the U.S. Constitution says for Congressional Districts all people are counted, the Legislative Districts says citizens. He stated, "All the Supreme Court decisions that he has read said 'citizens'." The Burns v. Richardson case clearly states that a total population base would create warrant aberration, and he thinks that is true. Military dependents were never included in the population base. Aliens were included in the population base in 1981. The original Hawaii Territorial Constitution said that the districts should be apportioned on the basis of citizens. The 1968 Con-Con preferred the base of citizens. Because they could not get the numbers at the time, they use the registered voter base. The registered voter base is very close to the citizen base. The problem in 1981 was that the Courts said that they could not use the registered voter base forever because an elected official was in charge of registering voters at that time, which was the Lt. Governor. Another reason was because they had to show each time that they used the registered voter base how it compared to a constitutionally more permissible base. He also stated that one of the reasons that the 1968 Con-Con created a Reapportionment Commission was to get the rules of the game of drawing the lines out of the Legislature.

D. Testimony by Mr. Fred Rohlfing, Maui Advisory Council

Mr. Rohlfing wanted to add to Ms. Schaefer's comments regarding non-resident military dependents. The State Constitution does not talk about just residents; it talks about "permanent residents". That is what the reapportionment is based on. He opined that permanent means a lot more than somebody who doesn't know whether or not they are going to stay in Hawaii, is married to somebody who is not recognized in the population base, and who also has the ability to vote in the home district location of the military member. Mr. Rohlfing again iterated "Permanent residents' not just residents."

V. Committee Reports

A. Public Information Committee

Commissioner Rae reported that the PI Committee met on Monday, July 16, 2001. The Committee would like to focus on several things for the Commission to consider.

1. The Committee wanted the Reapportionment staff to meet on the neighbor islands with the Advisory Councils, which seems to have already been completed. There are also two more evening meetings with the Advisory Council on the Big Island. The Committee suggested that the other island

Advisory Councils do the same thing and have the public invited so they could obtain information of and understanding of the Reapportionment process.

2. It is the Committee's goal to have the Advisory Councils active in advising the Commission on issues as to what constitutes a neighborhood and what constitutes geographic boundaries on the neighbor islands so that the Commission fully appreciate where the citizens of the neighbor islands are coming from in the redistricting process.
3. The Committee proposed drafting a press release announcing the Commission web page and making sure that it is online. The committee wants to encourage high school or college classes to participate in the reapportionment process by trying to draft their own plans.

Commissioner Rae moved that the Commission Staff contact the various neighbor island Advisory Councils that they hold an evening meeting on their islands and that it be a public meeting for the explanation of the reapportionment process. Commissioner Lori Hoo seconded the motion. The motion was carried unanimous by the Commissioners in attendance.

B. Technical Committee

Chairperson Minami mentioned to the Commission and all those in attendance that the Technical Committee has been meeting for the whole week and are presenting three (3) Congressional District proposals for public comment and discussion. Chairperson Minami asked the Reapportionment staff to present the three (3) plans.

Mr. David Rosenbrock announced to the attendees that large maps of the three (3) proposals are located at the back of the room for their review. He reiterated that any questions about the plans are welcomed and should be directed to the project staff after the meeting at the Reapportionment office (Room 411, State Capitol). The Commission is trying to achieve 605,769 persons in each Congressional District with a total deviation of less than 0.82%.

1. The Traditional Plan - Mr. Rosenbrock described the boundaries of the first and second districts.

Mr. Rosenbrock noted that this plan generally honored the traditional division of the State into two congressional districts. (See Appendix A for further description)

Commissioner Frierson asked Mr. Rosenbrock to clarify how many people were moved from one district to another. Mr. Rosenbrock reported that between 35,000-40,000 people were moved into a new district, and that it was the same for all three plans.

Commissioner Jim On asked which district is the larger of the two. Mr. Rosenbrock reported that District 1 is larger by 1,509 persons.

2. The North/South Plan – Mr. Rosenbrock described the boundaries of the first and second districts.

Mr. Rosenbrock described this plan as a departure from tradition. He mentioned that in the North/South plan the islands are split, where Niihau, Kauai and the larger part of Oahu are in District 2 in the North and the rest of Oahu, Maui, Lanai, Kahoolawe, and Hawaii are in District 1 in the South. (See Appendix B for further description)

Commissioner Rae asked what percentage of Oahu is in each voting district, i.e., what percent of the population of District 1 are on Oahu and what percent of the population of District 2 are on Oahu. He asked if the population on Oahu is dense enough to draw this plan. Commissioner Frierson mentioned that 2/3 of the population is in the 2nd District and 1/3 of the population is in the 1st District.

The total deviation is 0.2% with a difference of 768 persons and District 1 being larger.

3. The Mink Plan – Mr. Rosenbrock described the boundaries of the first and second districts.

Mr. Rosenbrock mentioned to the Commissioners and persons in attendance that the Mink Plan is a variation of the Traditional Plan, the neighbor islands in one district and urban Oahu in another. (See Appendix C for further description)

Mr. Rosenbrock reported that the total deviation is 0.2% with a difference of 1,404 persons and District 2 being larger.

Discussion:

1. Chairperson Minami mentioned that the plans are for presentation only and not for consideration to vote until a later date.
2. Testimony of Mr. Larry Meachem, Common Cause Hawaii

Mr. Meachem feels that the Traditional Plan would work the best. It splits up neighborhoods the least and it does not set up strange, weird, twisting borders like the third alternative. This plan keeps most of the people in the same districts that they are used to.

3. Testimony of Ms. Betty Chandler, Kauai Advisory Council

Ms. Chandler questioned the Commission on whether anybody can present a proposal other than the Commission and Advisory Council, like Ms. Mink was able to.

Commissioner Rae said that the answer is yes. He clarified that the Commission is accepting, in various formats, proposals of citizens. As mentioned earlier, they are hoping to have the schools participate. The web site has the software that allows any citizen to access and use to submit proposals, but they must follow the criteria that was set up.

Chairperson Minami notified the public that the voting date would be August 2, 2001 for the proposed plans. They would then publish the approved preliminary plans and have public hearings. The Commission would vote on the final plans, October 4, 2001.

Ms. Chandler recognized the time limitations for the Commission to consider all of the proposals that the citizens submit. Chairperson Minami said that the Commission is bound to accept all submitted plans and suggestions. Commissioner Frierson clarified that not all plans will be brought to the Commission, but will be filtered by the Technical Committee.

Ms. Chandler stated that she supports the North/South Plan.

4. Testimony of Mr. Clifton Takamura, McCully/Moiliili Neighborhood Board

Mr. Takamura suggested, "The Commission submit preliminary reports to the public and summarize other proposals that have been submitted." He also suggested that they attach a record of the various proposals that were submitted to the Commission's final draft report.

Chairperson Minami mentioned that the Commission would not be able to get to that point. They are hard pressed to prepare the plan and their main focus is to get the plan out to the public for their review and input. However, the comments that are submitted will be kept as part of the Commission's record. They will attach them to the report for review, but they would not be able to summarize and evaluate each of the proposals in time to publish the plans.

Commissioner Frierson mentioned that the Commission does not know how many submissions they will receive. They could get a few, and that would be one thing, but if they get hundreds, that's another question. Chairperson Minami also said that the quality of the plans may vary and some may not work. They would look at each plan to see if they work or not. If it doesn't appear to work, they will not look at it any further.

Commissioner Rae also mentioned that the public has access to input via the website to give its input. The proposed plans would be on the website for the public to review and there is a comment section on the website that the public can use to submit comments or suggestions to the Commission.

4. Testimony of Ms. Lynne Matusow, Downtown Neighborhood Board Chair

The Downtown Neighborhood Board became involved in the reapportionment process because of the preliminary plan that was brought up ten years ago. The Board is watching to make sure that nothing outrageous happens to their district.

She feels that there is no commonality between Kauai and urban Honolulu for the North/South Congressional Plan. She feels that the neighbor islands have different needs than those of Downtown Oahu. She supports the Traditional Plan.

5. Testimony of Ms. Shannon Wood, The Koolau News

She is the co-owner and editor for the Koolau News which covers the whole Windward side of Oahu. She is willing to publish the plans of the Commission.

Regarding the North/South Plan, Ms. Wood urges the Commission not to split the Windward side of Oahu into two Congressional districts. Whatever plan they come up with, she asks that they do not split the Windward side. It would be a devastating impact on the communities that have been established there. The Windward side is split into two groups, Koolauloa and Koolaupoko. Koolaupoko stretches from Kualoa Ranch to Makapuu and the spit would be devastating. (See appendix D for further written testimony)

Commissioner Masumoto stated that the rural/urban distinction was made about 30 years ago. He feels that the demographics have changed and the distinction of rural and urban does not really exist anymore (i.e., Kahului, Maui is more urban than some districts in Oahu). Commissioner Masumoto felt it was time to take another look other than the traditional way that the islands are reapportioned for the last 30 years. Times change and whichever plan the Commission does adopt, a community will be split (i.e., Waipahu – Traditional Plan or Windward Oahu – N/S and Mink Plans). There is no avoiding that.

6. Commissioner Rae requested clarification of the decision calendar. Chairperson Minami stated that the adoption of the proposed plans of the Congressional, Senate and House plans is scheduled for August 2, 2001. The plans will then be published and the public will have 21 days to review the plans. The public hearings will be held and the adoption of the final plans will be on October 4, 2001. The Commission hopes to have more proposals

for the public review and then have a week to digest the comments before the adoption of the final plan.

Commissioner Rae asked if it might be better to vote on the Congressional plan next week, since their goal is to try to keep the Senatorial and House districts within the boundaries of the Congressional districts. Commissioner Frierson mentioned that it would be essential for the Technical Committee to know, conceptually, the boundaries. The other thing that will happen is when they start drawing the House districts; the Congressional line might have to be tweaked to avoid splitting the House districts.

Commissioner Rae asked that the Commission notify the public that it will take up the Congressional plans at next week's meeting and then the House and Senate plans the week after.

7. Commissioner Jim On asked to clarify the timetable. He asked if the public would have enough time to submit input with the Commission voting on the Congressional districts next week. Chairperson Minami felt that there would be enough time. Commissioner Jim On asked what the public felt about the quick timetable. Chairperson Minami answered the question as follows:
 - The Commission is pushing to get out its plans because the public needs something to review and comment on. That's why they are trying to get the plans out to the public.
 - There is a public hearing process and a 21-day legal publication requirement that ties up the Commission for two months.
 - After the public hearing process, the Commission will have two weeks to come up with its final plans.
 - After adoption of the plans, there is a period in which the Commission has to publish the final plan descriptions, similar to the descriptions of the Congressional districts that were read off today, for all 51 House and 25 Senate districts.
 - The Commission needs time to do all of those things listed above. The statutory requirement is for the final plans to be published within 150 days. That's why the Commission pushed up everything in the beginning.
 - The Commission deliberation has been pushed up because they have to set forth the plans for public comment. The Commission is hoping to get some comment before they do the plan that becomes final.
 - Chairperson Minami does not want to go to public hearings where the plans have major opposition; the Commission wants the plans to be in relatively good form.

Chairperson Minami said that they will have Commissioner Jim On brought up to speed with the Commission members. Commissioner Jim On mentioned that the public that has testified so far had valid points and that those valid

points need to be addressed to the plan. He said that the Commission doesn't want to lose the public in the process.

VI. Support Services

A. GIS Staff Services Status Report

The GIS staff had no report at this time

B. Administrative Staff Services Status Report

The Administrative staff had no report at this time

VII. Correspondence and Announcements

A. Resignation letter of Commissioner Richard Clifton and the appointment of Commissioner Shelton Jim On to fill the vacancy of Mr. Clifton.

B. Letter from the INS regarding the alien population

VIII. Other Business

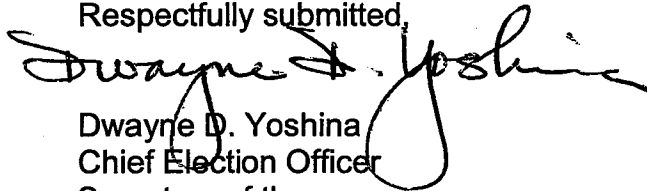
There was no other business to discuss.

IX. Adjournment

With no other business to discuss, Commissioner Kinney moved to adjourn the Sixth Regular Meeting of the 2001 Reapportionment Commission. Commissioner Rae seconded the motion.

The Sixth Regular Meeting of the 2001 Reapportionment Commission was adjourned at 3:27 p.m.

Respectfully submitted,



Dwayne D. Yoshina
Chief Election Officer
Secretary of the
2001 Reapportionment Commission

APPENDIX A – DESCRIPTION OF THE TRADITIONAL CONGRESSIONAL PLAN

The Traditional plan starts at the intersection of the shoreline and Essex North to the intersection of South Hanson Road, along South Hanson to Essex, along Essex to the intersection with Roosevelt, along Roosevelt Northwesterly to the intersection of Military Railroad, then Northwesterly to the intersection of Kaloi Gulch, then Northeasterly to the intersection of Malako St., along Malako to Park Row, along Park Row to Hoalauna St., along Hoalauna St. to Pump 3 Road, along Pump 3 Rd. to the intersection of Old Fort Weaver Rd., then along Old Fort Weaver Rd. to Farrington Hwy., then along Farrington Hwy to Fort Weaver, then along Fort Weaver Rd. to H-1, along H-1 to the intersection of the Naval Access Road, then along the Naval Access Rd., then Northwesterly to Waikele Stream, then along Waikele Stream to Kam Hwy., along Kam Hwy. to Leilehua Rd., along Leilehua Rd. to the intersection of South Fork Kaukonahua Stream, along the South Fork Kaukonahua Stream to the intersection of Waikakalua Stream, along Waikakalua Stream to the intersection of Koolau Ridge, along Koolau Ridge to its intersection with the coast.

APPENDIX B – DESCRIPTION OF THE NORTH/SOUTH CONGRESSIONAL PLAN

The North/South plan begins at the terminus of Nuuanu Ave. then along Nuuanu Ave. to Beretania St., along Beretania St. to the intersection of King St., along King St. to the intersection of Liliha St., along Liliha St. to Kiapu St., along Kiapu St. to School St., along School St. to intersection of Aupuni St., along Aupuni St. to Houghtailing St., along Houghtailing St. to the intersection of Hillcrest, along Hill crest to the intersection of Kealia Dr., along Kealia Dr. to the intersection of the Ridge Line, along the Ridge Line to the intersection of the Koolau Ridge, along the Koolau Ridge to the intersection of the Pali Hwy., along the Pali Hwy. to the intersection of Kam Hwy., along Kam Hwy., to the intersection of H-3, along H-3 to the intersection of Hoakaka Pl. thence North to the intersection of the Coastline.

APPENDIX C – DESCRIPTION OF THE MINK CONGRESSIONAL PLAN

The Mink Plan begins at the terminus of Barbers Point Deep Draft Harbor North to the intersection of the Military Railroad, Northeasterly along Military Railroad to Renton Rd., along Renton Rd. to the intersection of Old Fort Weaver Rd., along Old Fort Weaver Rd. to the intersection of Farrington Hwy., along Farrington Hwy. to the intersection of H-1, along H-1 to Kam Hwy., North along Kam Hwy. to the intersection of Upper Charley Rd., South along Upper Charley Rd. to the intersection of Coleman Rd., along Coleman Rd. to the intersection of Naval Access Rd., along Naval Access Rd. to H-1, along H-1 to the intersection of the Drainage Channel, North along the Drainage Channel to the intersection of Anonui St., along Anonui St. to the intersection of Kunia Rd., North along Kunia Rd. to the intersection of Huliwai Gulch, West along Huliwai Gulch to the intersection of Kolekole Rd., along Kolekole Rd. to the intersection of Trimble Rd., along Trimble Rd. to the intersection of Hauula Loop, along Hauula Loop to the intersection of Waikoloa Gulch, along Waikoloa Gulch to the intersection of Beaver Rd., along Beaver Rd. to the intersection of McMahon Rd., along McMahon Rd. to the intersection of Capron Ave., along Capron Ave. to the intersection of Menoher Rd., along Menoher Rd. to the intersection of Wilson St., along Wilson St. to the intersection of Wilson Ave., along Wilson Ave. to the intersection of Bragg St., along Bragg St. to the intersection of Ayres Ave., along Ayres Ave. to the intersection of Cadet Sheridan Rd., along Cadet Sheridan Rd. to the intersection of McCornack Rd., along McCornack Rd. to Waianae Ave., along Waianae Ave. to the intersection of Kunia Rd., along Kunia Rd. to the intersection of Kam Hwy., along Kam Hwy. following the border of Schofield Barracks Military Reservation to the Koolau Ridge, along the Koolau Ridge to the intersection of

Minutes of the Sixth Regular Meeting of the 2001 Reapportionment Commission
Page 17

Aniani Nui Ridge, along Aniani Nui Ridge to the intersection of Kalaniana'ole Hwy., along Kalaniana'ole Hwy. to the intersection of Old Kalaniana'ole Hwy., along Old Kalaniana'ole Hwy. to the intersection of Kalaniana'ole Hwy., along Kalaniana'ole Hwy. following along the Northern border of Olomana Golf Course intersecting at the border of Bellows Air Station, along Bellows Air Station to the coast at Wailea Point.



received
7/20/01

THE KO`OLAU NEWS

The Many Voices of Windward O`ahu

<http://www.koolaunews.com>

P.O. Box 1013

Kailua, HI 96734

Voicemail: 808/263-6001 * Fax: 808/262-3835 * E-Mail: editor@koolaunews.com

Est. April, 2000

July 20, 2001

TO: David Rosenbrock, *Project Manager*
Wayne K. Minami, *Chair*
2001 Reapportionment Commission

As a Windward O`ahu resident who is also the editor and co-publisher of The Ko`olau News, an on-line newspaper distributed seven days a week, I regularly attend about 70 meetings activities, and events each month here in Windward O`ahu. My husband covers another 20 or so. Although anything published on the Internet is accessible to anyone anywhere at anytime, our focus is on the area between Makapu`u Point and Kawela Bay.

It had not been my intention to speak at the July 19, 2001, **Reapportionment Commission** meeting, but, given your abbreviated timeline, I felt that I had to register my strong objections to any attempt to split Windward O`ahu into two Congressional Districts. Although I was aware of the **North-South Proposal**, I did not know about the **Mink Plan** until today. That means two of the three plans you're considering would carve the region into two Districts.

Based upon my experiences in getting to know these communities all up and down the Windward side, it is clear that there is a strong sense of history & culture in Windward O`ahu which extends back over 1,000 years. There are shared values concerning a wide range of issues. We would be far better served by staying together.

Furthermore, I believe that the two plans do not address the concept of *Environmental Justice* which is a requirement for all issues of concern to the Federal Government.

The following is taken from an *R. M. Towill Corporation* study for the *O`ahu Metropolitan Planning Organization* as it develops long-term transportation policies.

Title VI of the Civil Rights Act of 1964 states that: "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity receiving Federal financial Assistance." **Title VI** bars intentional discrimination as well as disparate impact discrimination (i.e., a neutral policy or practice that has a disparate impact on protected groups.

The Environmental Justice Order, signed by President Clinton in February, 1994, (Executive Order 12898) amplified **Title VI** by providing that "each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health and environmental effects of its programs, policies and activities on minority and low-income populations."

Note that Executive Order 12898 is for all federal agencies and programs and not just

transportation issues. It seems to me that having a strong sense of where the low-income and minority residents are located should be considered in determining how the Congressional Districts will eventually be created. It is not enough to just count noses.

Thank you for providing me with the opportunity to speak to the *Reapportionment Commission* at its July 19, 2001, meeting.

Shannon Wood, *Editor & co-Publisher*
The Ko'olau News

**MINUTES OF THE
SEVENTH REGULAR MEETING OF THE
2001 REAPPORTIONMENT COMMISSION**

**July 26, 2001
2:00 p.m.**

**Hawaii State Capitol
Room 329
Honolulu, Hawaii**

Commissioners in Attendance:

Mr. Wayne K. Minami, Chairperson
Mr. Deron K. Akiona
Ms. Jill E. Frierson
Ms. Lori Hoo
Mr. Shelton Jim On
Mr. Lynn C. Kinney
Mr. Kenneth T.G. Lum
Mr. Harold S. Masumoto
Mr. David Rae

Advisory Council in Attendance:

Mr. Stephen Goodenow, Oahu
Mr. Jim Hall, Oahu
Mr. Robert Ogawa, Oahu
Ms. Geal Talbert, Oahu
Mr. Frank Jung, Hawaii
Ms. Shirley Spencer, Hawaii
Mr. Mark Andrews, Maui
Mr. Fred Rohlfing, Maui
Ms. Madge Schaefer, Maui
Mr. Manuel Moniz, Maui
Ms. Betty Chandler, Kauai
Mr. Dennis Esaki, Kauai
Mr. Jerome Hew, Kauai
Ms. Trinette Kauai, Kauai

Technical Support Staff in Attendance:

Mr. Dwayne D. Yoshina, Office of Elections
Mr. David Rosenbrock, Office of Elections/Reapportionment Staff
Mr. Lawrence Chun, Office of Elections/Reapportionment Staff
Ms. Cynthia Fukunaga, Office of Elections/Reapportionment Staff

Minutes of the Seventh Regular Meeting of the 2001 Reapportionment Commission
Page 2

Mr. Strather Ing, Office of Elections/Reapportionment Staff
Ms. Keala Naluai, Office of Elections/Reapportionment Staff
Mr. Scott Nago, Office of Elections
Mr. Rex Quidilla, Office of Elections
Mr. Brian Aburano, Department of the Attorney General
Mr. Aaron Schulaner, Department of the Attorney General

Observers Present:

Mr. Larry Meacham, Common Cause Hawaii
Ms. Jean Aoki, League of Women Voters
Mr. Marc Oto, Speaker of the House Office
Mr. Chadd Kadota, Clerk's Office City & County
Mr. Glen Takahashi, City Clerks Office
Mr. Pat Omandam, Honolulu Star Bulletin
Ms. Lynne Matusow, Downtown Neighborhood Board
Ms. Joan Manke, US Representative Mink Office
Rep. Chris Halford, House of Representatives
Ms. Roberta Weatherford, Representative Bertha Leong Office
Ms. Bertha Leong, House of Representatives District 16
Mr. Clifton Takamura, Neighborhood Board 08
Mr. Tom Gill, American Civil Liberties Union
Mr. Bob Carter, Senator Hemmings Office
Ms. Denby Fawcett, KITV News
Mr. Brian Fuchigami, Representative Yoshinaga Office
Ms. Yvonne Keane, Representative Pasty Mink Office
Mr. Nathan Takeuchi, Representative Roy Takumi Office
Mr. Kevin Dayton, Honolulu Advertiser
Ms. Tina Shelton, KHON TV News
Mr. Pat McCain, Public observer
Ms. Mindy Jaffe, House of Representatives District 19
Ms. Mona Kapaku, Representative Bukoski Office
Mr. Mark Takai, House of Representatives District 34
Mr. Bert Warashina, Senate Office
Ms. Make Lum Hoy, Representative Kahihina Office
Mr. Henry Curtis, Life of the Land
Ms. Kat Brady, Live of the Land

I. Call to Order

Chairperson, Wayne Minami, called the Seventh Regular Meeting of the 2001 Reapportionment Commission to order at 2:14 p.m. in Conference Room 329 of the Hawaii State Capitol, Honolulu, Hawaii.

II. Approval of Minutes

Commissioner Jill Frierson moved to have the minutes of the Sixth Regular Meeting of the 2001 Reapportionment Commission on July 19, 2001 approved. Commissioner Lynn Kinney seconded the motion. The motion was carried unanimously by the Commissioners in attendance.

PROCEEDINGS

III. Advisory Councils Testimony

A. Testimony by Ms. Madge Schaefer, Maui Advisory Council Member

1. Ms. Schaefer read a letter that she presented to the Commission. She, on behalf of the Maui Advisory Council, requested that the Reapportionment Commission include a recommendation in the 2001 Reapportionment Commission final report. She asked that they consider the following:

“Future Reapportionment Commission membership should be determined on a proportional basis of citizen population to insure that each neighbor island county has representation as well as a voice on the Commission.” Madge Schaefer, Fred Rohlfing, and Mark Andrews signed the letter.

B. Testimony by Mr. Jim Hall, Oahu Advisory Council Member

Mr. Hall asked the Commission if it used the method of equal proportions in allocating legislative seats to the basic island units.

Chairperson Minami said that the subject will be discussed during the Technical Committee briefing. They will discuss the process.

C. Testimony by Mr. Mark Andrews, Maui Advisory Council Member

Mr. Andrews mentioned to the Commission that the Geotrack software, but the learning curve is tremendous and if very difficult to install and work with. He asked for technical support by the staff to help the public with questions. He also mentioned that they would like to submit plans that would be easier for the Commission, which would be using the same software that the Commission is using.

Mr. David Rosenbrock mentioned that the Environmental Systems Research Institute, Inc. (ESRI) is contracted to provide technical support. There is a number on the instructions for the users to contact for technical support. The Reapportionment staff is required to help the Commission and ESRI is required

to help all others. Mr. Rosenbrock mentioned that using the software will not be easy.

IV. Decision Making on Congressional Districts

The Technical Committee recommended the Traditional Plan to submit to the Commission for approval to take the plan to public hearings.

Mr. Rosenbrock outlined the boundaries of the Traditional Plan by place names.

The border begins and follows the eastern border of old Barbers Point Naval Station, continuing on the northern border of Ewa Villages, past the Honowai area of Waipahu then up through the Village Park-Waikele area. Northerly along the Waikele Stream, past Mililani and Waipio Acres then towards the Koolau Ridge. Continuing easterly along the Koolau Ridge down to Makapuu Point.

The statewide deviation for the Traditional plan would be 0.4%.

Chairperson Minami moved that the Commission adopt the Traditional Plan as outlined by the Reapportionment staff to take to public hearings. Commissioner Jill Frierson seconded the motion.

Discussion:

1. Commissioner Harold Masumoto asked that the Commission take into further consideration the North/South Plan for Congressional Districting. He feels that times have changed since the demographics and economic situations have been established in 1969. The demographics and economic situation have changed statewide and do not exist anymore. Mr. Masumoto feels that it is time to consider an alternative plan for the congressional districts.
2. Commissioner Frierson said thank you for bringing the North/South plan to the table and had caused her to think about the situation. It was a good proposal, but after a lot of thought, she decided on the Traditional Plan to consider.

Roll Call:

Commissioners Akiona, Frierson, Hoo, Jim On, Kinney, Lum, Rae and Chairperson Minami voted yes, while Commissioner Masumoto voted no to the motion. With an eight (8) to one (1) vote, the motion to adopt the Traditional Plan for public hearing by the Reapportionment Commission was carried.

V. Committee Reports

A. Public Information Committee

Commissioner Rae reported that there have been requests for Reapportionment staff to set up meetings for the Advisory Councils on the neighbor islands. The Oahu Advisory Council has set up dates that may pose some problems with regard to the Commission. Commissioner Rae asked the Deputy Attorney General if the Advisory Council are allowed to hold hearings on the proposed plan during the 20-day period of notice for the published plans.

Mr. Brian Aburano, Deputy Attorney General, said that under the Commission's Rule 13, the Advisory Councils are bound by the same rules as required by the Hawaii Revised Statutes, Section 5(2) for the Commission.

Commissioner Rae asked that the Oahu Advisory Council meet with the Public Information Committee to work out something that they can do. Regarding the testimony earlier, it might be easier to hold meetings on using the software and not necessarily hold hearings about the plans itself.

Mr. Stephen Goodenow from the Oahu Advisory Council asked if the commission could suspend the rule as describe above. He also asked if the scope of the meetings would be reduced to how the process of reapportionment works and other issues other than having hearings on the plans. Commissioner Rae mentioned that it would be wise to meet with the Deputy Attorney General and take into consideration what has already been done at the Big Island meetings and follow those criteria.

B. Technical Committee

The Technical Committed does not have a proposal for consideration by the Commission. They requested to recess the meeting and reassemble the meeting on Tuesday, July 31, 2001 at 2:00 p.m. to propose the redistricting plans for the House and Senate Districts.

Mr. Rosenbrock made a presentation of issues faced by the Technical Committee in the redistricting process and the impact of the responsibilities of the Commission.

1. Population Change – The State population base was read off for each county for the year 1990 and 2000. The difference in population was as follows:

C&C Honolulu	+15%	Maui	+27%
Hawaii	+23%	Kauai	+15%

Minutes of the Seventh Regular Meeting of the 2001 Reapportionment Commission
Page 6

The total population difference between 1990 and 2000 population base:

C&C Honolulu	+107,748	Maui	+27,572
Hawaii	+27,821	Kauai	+7,423

With the State population base for 2000 of 1,164,468 the Senate target population (25) is 46,579 and the House target population (51) is 22,833.

2. Population Shifts – Mr. Rosenbrock gave some examples from East Oahu on how the districts must grow and some examples from West Oahu on how the districts must shrink. (see handout A for more details)
3. Effects on Redistricting – A summary of the effects and restraints of redistricting.

The Commission's constraints in redistricting are equal representation, geography, and constitutional requirements. (see handout A for more details)

Mr. Rosenbrock's conclusion is that the islands must have canoe districts.

VI. Recess the Meeting

Chairperson Minami recessed the Seventh meeting of the Reapportionment Commission until Tuesday, July 31, 2001, 2:00 p.m. at the State Capitol Room 329. The meeting was recessed at 2:46 p.m.

The meeting was reconvened on Tuesday, July 31, 2001, 2:10 p.m. at the State Capitol Room 329.

VII. Committee Reports (continued)

B. Technical Committee (cont.)

The Technical Committee report was presented at the reconvene of the meeting on Tuesday, July 31, 2001.

Chairperson Minami reported that the Technical Committee has a proposed redistricting plan for the House and Senate, which will be up for adoption by the Commission on Thursday, August 02, 2001.

1. The Commission will be adopting the proposed plans for public hearings on Thursday, August 02, 2001. After which, the Commission will go to public hearings during the month of September, where the public will have lots of time for input and final adoption on the plans will be in October.

2. Mr. Rosenbrock reviewed the presentation made on Thursday, July 26, 2001 and presented the Technical Committee's recommendations for the House and Senate Districts. The House and Senate districts were shown to the Commission and all those in attendance with some detail. Mr. Rosenbrock also discussed the staggered Senate terms that will be assigned to the respected Senate Districts. (see handout A)

Commissioner Masumoto clarified that the plans that have been presented today are for adopting but for adoption on Thursday. The Commission will take these plans to public hearings. Chairperson Minami affirmed the statement.

VIII. Support Services

A. GIS Staff Services Status Report

There is no report at this time

B. Administrative Staff Services Status Report

There is no report at this time

IX. Correspondence and Announcements

Mr. Dwayne Yoshina, Secretary to the Commission, reported that they have received a total of eight (8) correspondences from the public and Advisory Councils so far which is listed in the Commission's package.

X. Executive Session

Chairperson Minami suggested that the Commission go into executive session to discuss the complaint raised by Common Cause Hawaii and to meet with the Commission's Deputy Attorney on the issue. Commissioner Lynn Kinney moved that the Commission go into Executive Session to discuss the issues outlined by Chairperson Minami. Commissioner Deron Akiona seconded the motion. The motion was carried unanimously by the Commissioners in attendance.

The Commission went into executive session at 2:36 p.m. The meeting was reconvened at 3:21 p.m.

Commissioner Shelton Jim On moved that the Commission allow any member of the public to view or have access to the proposed redistricting plans that were shown to legislators of either parties. Commissioner Frierson seconded the motion. The motion was carried unanimously by the Commissioners in attendance.

XI. Public Testimony

Chairperson Minami mentioned that prior to executive session, there were members of the public wanting to testify. The Commission has is now ready to hear public testimony.

a. Testimony by Mr. Larry Meachem, Common Cause Hawaii

Thanked the Commission for allowing public testimony at the meeting. Mr. Meachem asked the Commission to consider a suggestion presented to reduce the number of canoe districts. (see written testimony, Appendix B)

b. Testimony by Mr. Henry Curtis, Life of the Land

Mr. Curtis asked that the Commission post a notice that a meeting is recessed over a period of more than one day.

c. Testimony by Ms. Jean Aoki, League of Women Voters

Ms. Aoki read a written testimony to the Commission regarding the rumors that have come about from the media and allowing public access to the process of redistricting. (see written testimony, Appendix C)

d. Testimony by Ms. Schaefer, Maui Advisory Council member

Ms. Schaefer mentioned to the commission of some information that she has researched and asked for their consideration. She read from the Senate Journal Standing Committee Report on House Bill 23-27.

“The purpose of this bill is to propose a constitutional amendment to change the legislative apportionment base from registered voters to permanent resident population, which was the base selected by the 1991 Reapportionment Commission in development of its plans. (See the 1991 Reapportionment Commission final report in reapportionment plan).

“Based on the reasons set forth in Chapter 3 of the final report, your committee also supports the use of a permanent resident population base and made technical amendments for purposes of clarity and style.”

Ms. Schaefer also read from Chapter 3 of the 1991 Reapportionment Commission Final Report.

“The Commission finds that there are pervasive reasons to exclude non-resident military as transients from the population base for purposes of legislative reapportionment in addition to the reasons already stated.... These factors as well as the information gained from experts leads the Commission to conclude that exclusion of non-resident military from the

census data will come as close as possible to the desired permanent resident base for legislative reapportionment.”

Ms. Schaefer said that there was an amendment to the Constitution that voters voted to support the amendment to the population base. She asked that the Commission for a motion to reconsider their decision on the population base.

XII. Other Business

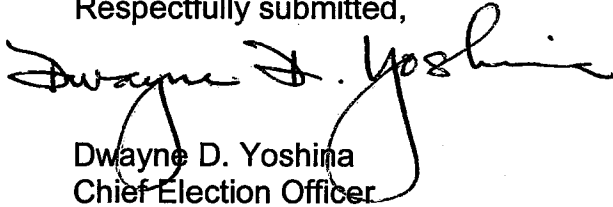
There was no other business to discuss

XIII. Adjournment

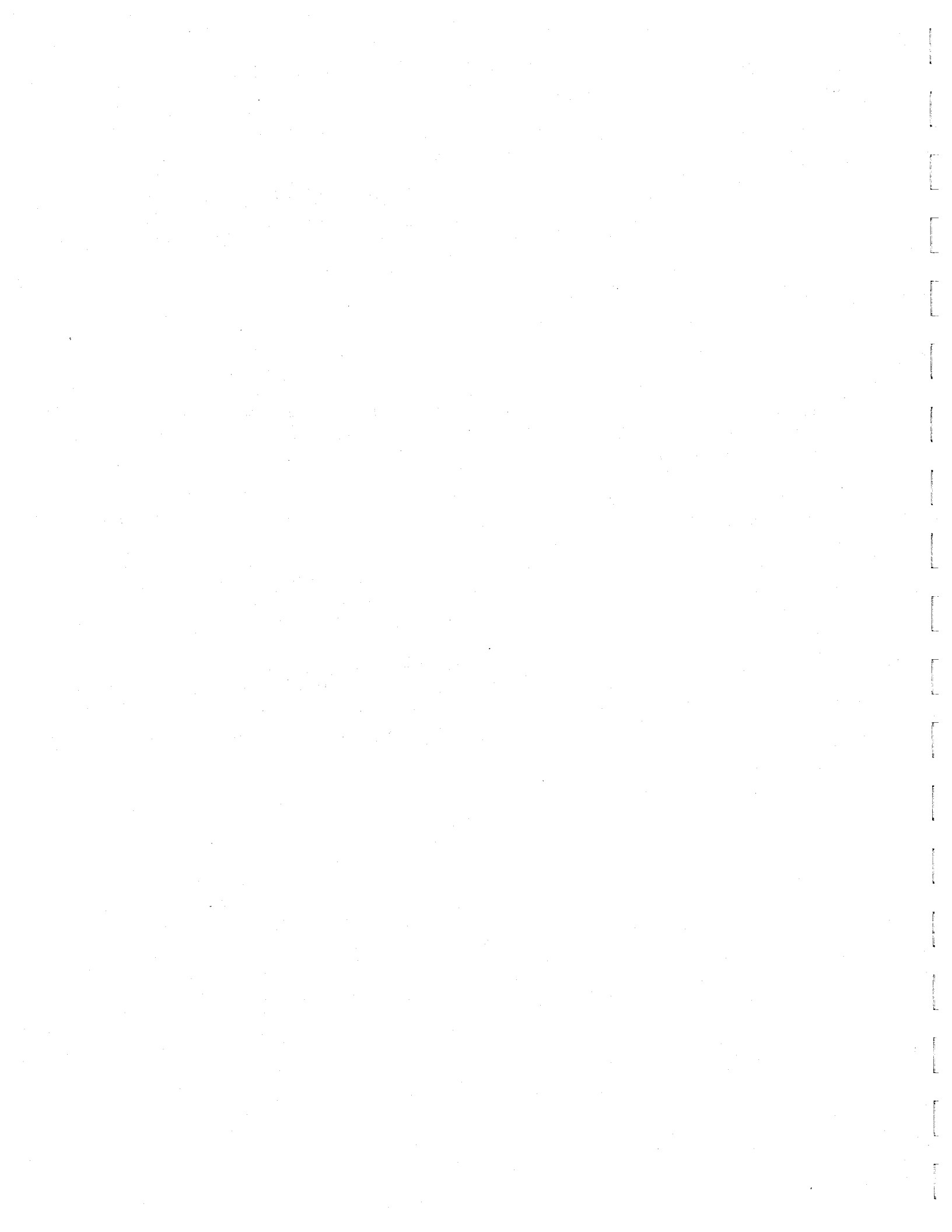
There being no other business to discuss Commissioner Kinney moved to adjourn the Seventh Meeting of the 2001 Reapportionment Commission. Commissioner Akiona seconded the motion.

The Seventh Regular Meeting of the 2001 Reapportionment Commission was adjourned at 3:35 p.m.

Respectfully submitted,



Dwayne D. Yoshina
Chief Election Officer
Secretary of the
2001 Reapportionment Commission



**Proposed
Reapportionment and
Redistricting Plans in Hawaii**

July 31, 2001

- Email: reapportionment@exec.state.hi.us
- Website: www.hawaii-redistricting.org
- Neighbor Island toll free #: 1-866-587-3902

Reapportionment Project
Environmental Systems Research Institute - Consultants

R2001: Topics

- **Population Change and Impact on Legislative Districts**
- **State Senate Plan**
 - Population Base
 - Canoe Districts
 - Basic Island Unit Details
 - Staggered Terms
- **State House Plan**
 - Population Base
 - Canoe Districts
 - Basic Island Unit Details

R2001: Change and Impact

- **Population Change (Reapportionment)**
- **Population Shifts (Redistricting)**
- **Redistricting Examples**

R2001: Population Change

- **A complete census of the US population occurs every decade**
- **Reapportionment is based on one person one vote**
- **District lines are moved to account for demographic and population shifts and provide equal representation**
- **Where district lines are moved will impact future elections**

R2001: Population Change

State Population Base

	1990
CC Honolulu	722,428
Hawaii County	120,056
Maui County	100,457
Kauai County	50,963

R2001: Population Change

State Population Base

	1990	2000
CC Honolulu	722,428	830,176
Hawaii County	120,056	147,877
Maui County	100,457	128,029
Kauai County	50,963	58,386

R2001: Population Change

State Population Base

	1990	2000	%growth
CC Honolulu	722,428	830,176	15%
Hawaii County	120,056	147,877	23%
Maui County	100,457	128,029	27%
Kauai County	50,963	58,386	15%

R2001: Population Change

State Population Base

	1990	2000	difference
CC Honolulu	722,428	830,176	107,748
Hawaii County	120,056	147,877	27,821
Maui County	100,457	128,029	27,572
Kauai County	50,963	58,386	7,423

R2001: Population Change

Hawaii Legislative District Targets

	#Dist	1991 Target
State Base	-	993,904
State Senate	25	39,756
State House	51	19,488

R2001: Population Change

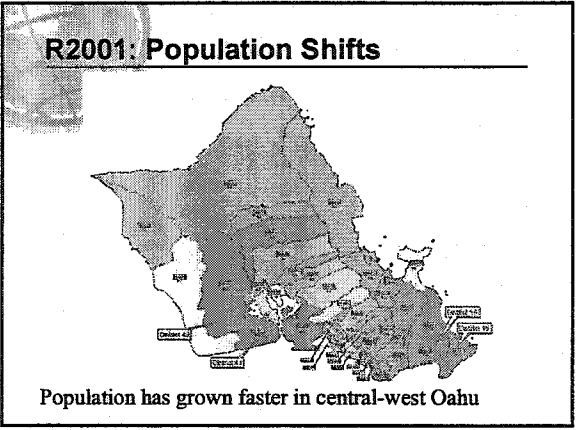
Hawaii Legislative District Targets

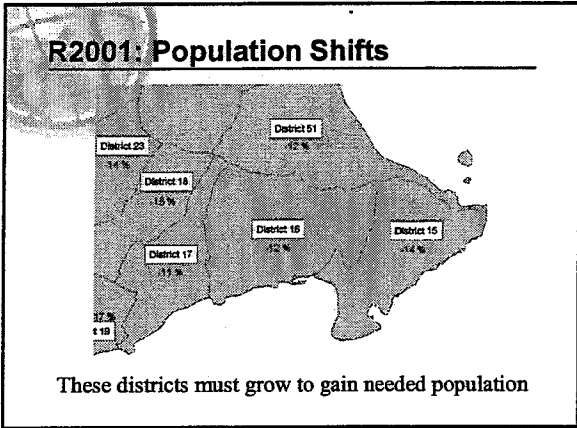
	#Dist	1991 Target	2001 Target
State Base	-	993,904	1,164,468
State Senate	25	39,756	46,579
State House	51	19,488	22,833

R2001: Population Change

Hawaii Legislative District Targets

	#Dist	1991 Target	2001 Target	change
State Base	-	993,904	1,164,468	-
State Senate	25	39,756	46,579	6,823
State House	51	19,488	22,833	3,345



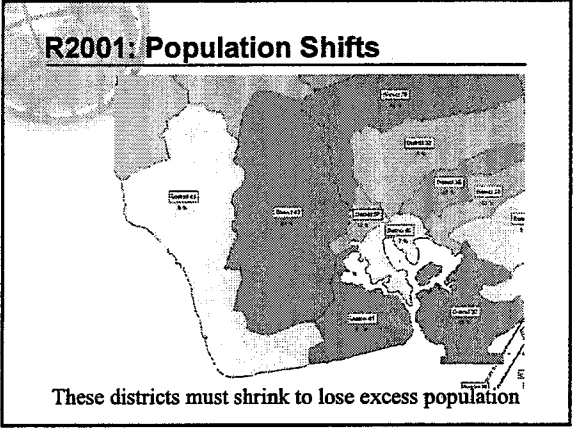
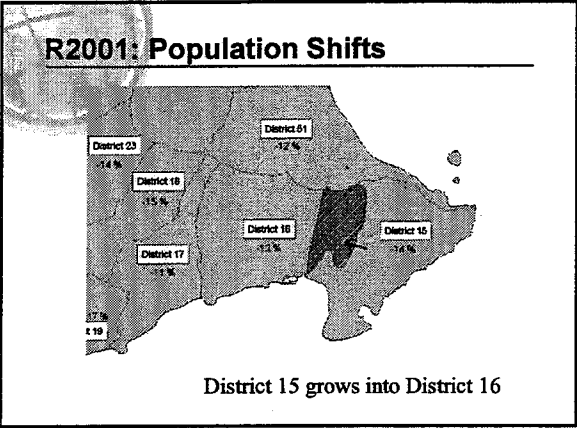


R2001: Population Shifts

Oahu Example

	Dist#	2001 Pop	Target	change
East Oahu	15	19,586	22,833	+3,247
East Oahu	16	20,008	22,833	+2,825

Districts must grow to gain needed population

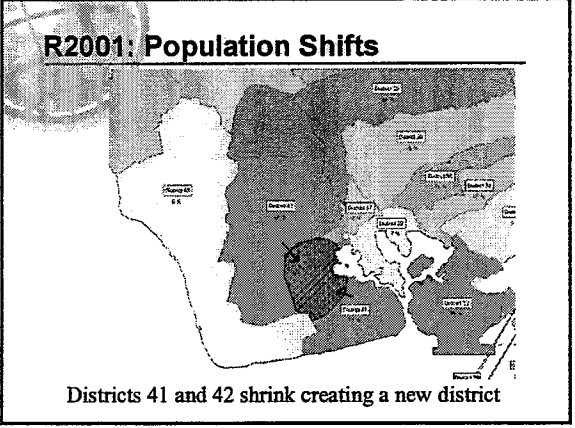


R2001: Population Shifts

Oahu Example

	Dist#	2001 Pop	Target	change
West Oahu	41	39,120	22,833	-16,287
West Oahu	42	37,385	22,833	-14,552

Districts must shrink to lose excess population



R2001: Effects on Redistricting

Districts must shrink or grow...

... subject to constraints...

R2001: Effects on Redistricting

Constraints on redistricting are...

- Equal Representation
- Rule of equal proportions
- One person, one vote

R2001: Effects on Redistricting

Constraints on redistricting are...

- Geography
 - Census blocks
 - Ridges and Valleys
 - Neighborhoods and Communities

R2001: Effects on Redistricting

Constraints on redistricting are...

- Constitutional
 - Contiguity
 - Compactness
 - Submergence
 - Statewide deviation

R2001: Statewide Deviation

- Total statewide deviation is the difference between the largest positive deviation and the largest negative deviation.
- Total statewide deviation of less than 10% is presumed constitutional.
- Total statewide deviation of more than 10% is presumed unconstitutional.

R2001: Topics

- State Senate Plan
 - Population Base
 - Canoe Districts
 - Basic Island Unit Details
 - Staggered Terms

R2001: State Senate Plan

Hawaii Legislative District Targets

	Districts	Target
State Pop Base	-	1,164,468
State Senate	25	46,579

R2001: State Senate Plan

State Population Base
25 Senate Districts

	State base	Districts
Target Population	46,579	25
CC Honolulu (18)	830,176	17.82
Hawaii County (3)	147,877	3.17
Maui County (2+c)	128,029	2.75
Kauai County (1+c)	58,386	1.25

Number in parentheses shows current number of districts, "c" means canoe.

R2001: State Senate Plan

State Population Base
25 Senate Districts Without Canoes

2000 PL Data	Districts	Districts	Dev
Target Population	-	25	33%
CC Honolulu (18)	17.82	18	-1%
Hawaii County (3)	3.17	3	6%
Maui County (2+c)	2.75	3	-8%
Kauai County (1+c)	1.25	1	25%

Best achievable statewide deviation is 33% (less than 10% is presumed constitutional)

R2001: State Senate Plan

State Population Base
25 Senate Districts with One Canoe

2000 PL Data	Districts	Districts	Dev
Target Population	25	25	26%
CC Honolulu (18)	17.82	18	-1%
Hawaii/Maui (5+c)	5.92	6	-1%
Kauai County (1+c)	1.25	1	25%

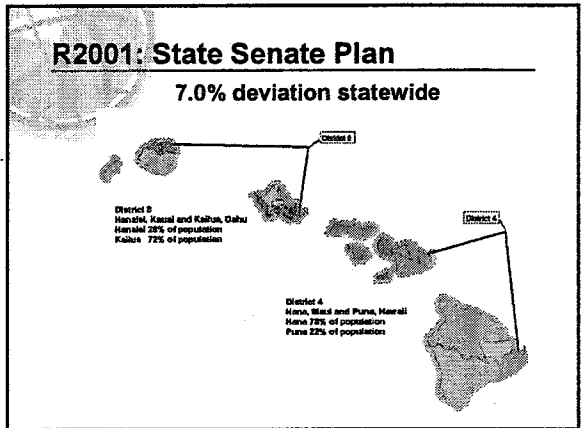
Best achievable statewide deviation is 26% (less than 10% is presumed constitutional)

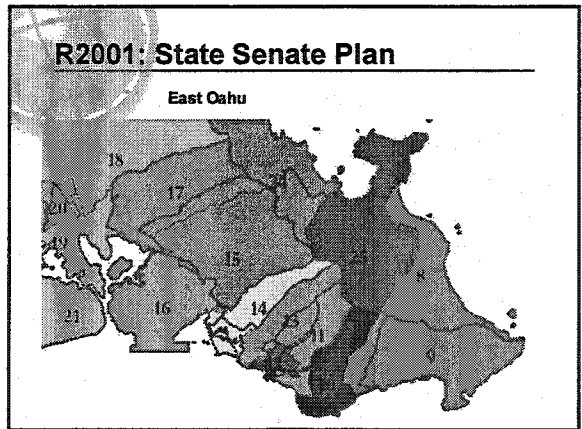
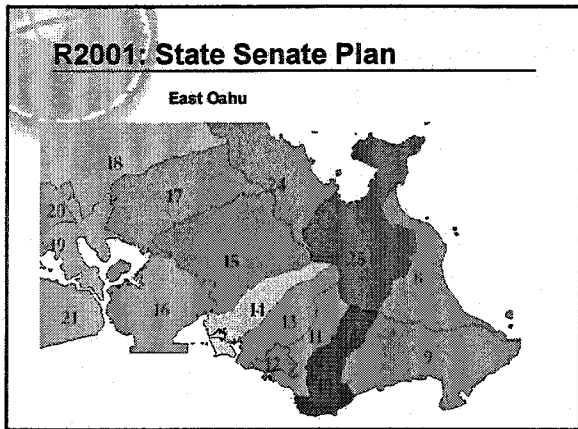
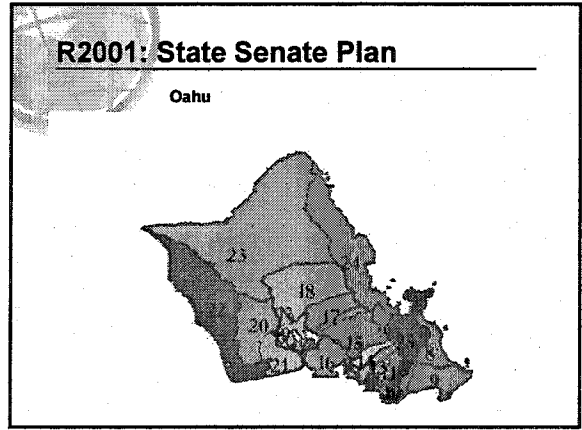
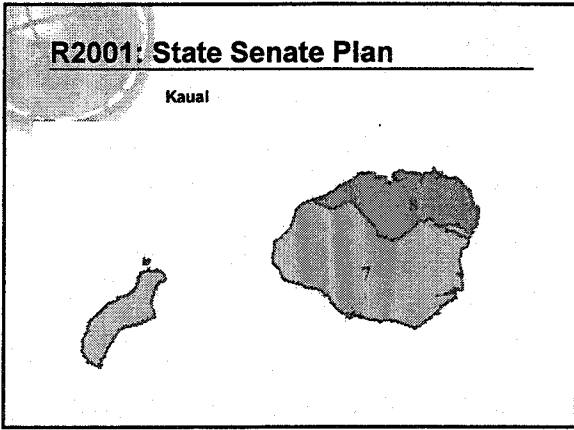
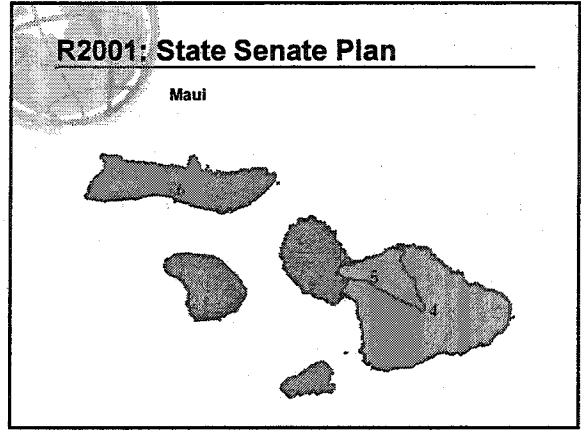
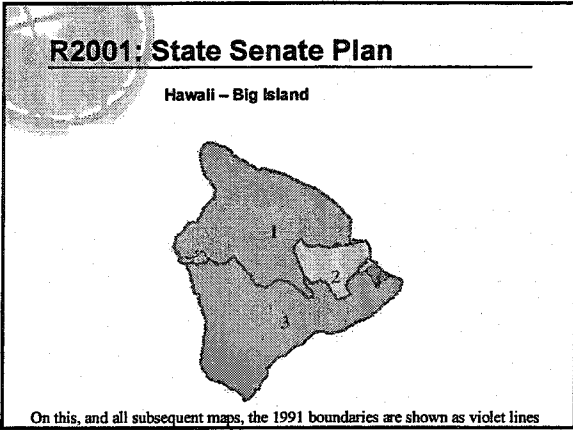
R2001: State Senate Plan

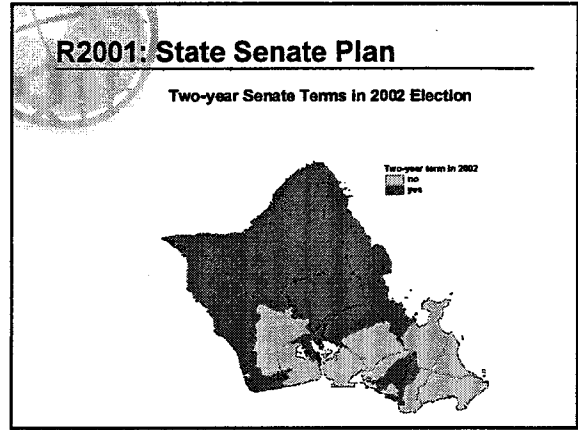
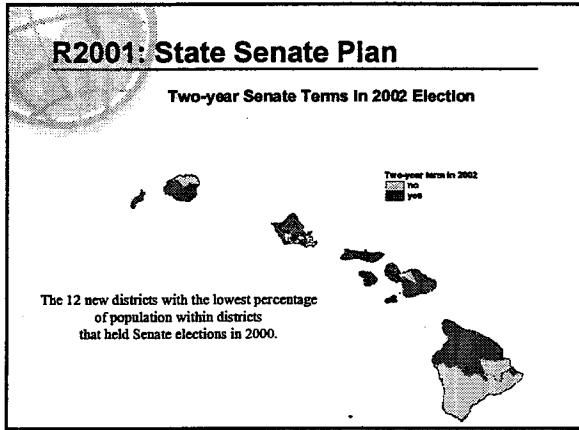
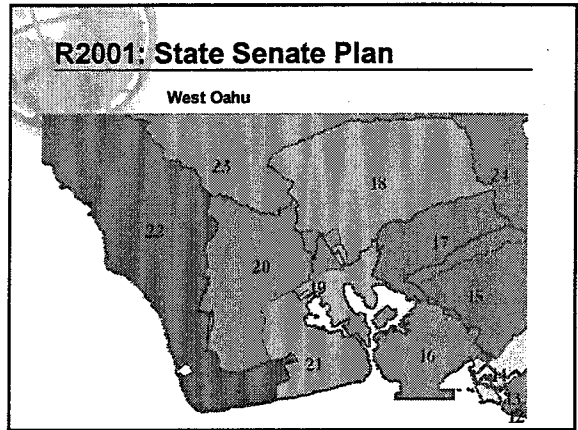
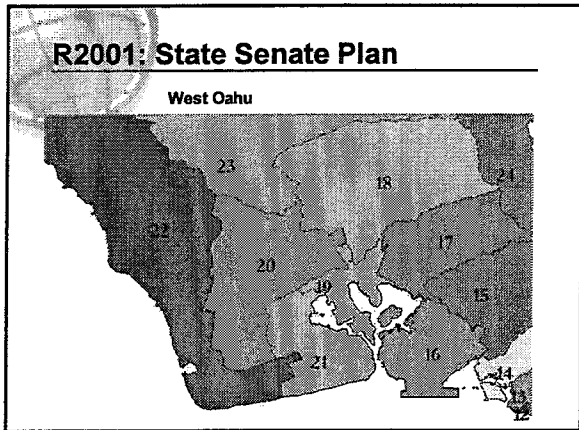
State Population Base
25 Senate Districts with Two Canoes

2000 PL Data	Districts	Districts	Dev
Target Population	25	25	2%
CCH/Kauai (19+c)	19.08	19	1%
Hawaii/Maui (5+c)	5.92	6	-1%

Best achievable statewide deviation is 2% (less than 10% is presumed constitutional)







- ### R2001: Topics
- State House Plan
 - Population Base
 - Canoe Districts
 - Basic Island Unit Details

R2001: State House Plan

Hawaii Legislative District Targets

	Districts	Target
State Pop Base	-	1,164,468
State House	51	22,833

R2001: State House Plan
 State Population Base
 51 House Districts

2000 PL Data	State base	Districts
Target Population	22,833	51
CC Honolulu (37)	830,176	36.36
Hawaii County (6)	147,877	6.48
Maui County (5+c)	128,029	5.61
Kauai County (2+c)	58,386	2.56

R2001: State House Plan
 State Population Base
 51 House Districts Without Canoes

2000 PL Data	Districts	Districts	Dev
Target Population	51	51	23%
CC Honolulu (37)	36.36	36	1%
Hawaii County (6)	6.48	6	8%
Maui County (5+c)	5.61	6	-7%
Kauai County (2+c)	2.56	3	-15%

Best achievable statewide deviation is 23% (less than 10% is presumed constitutional)

R2001: State House Plan
 State Population Base
 51 House Districts with One Canoe

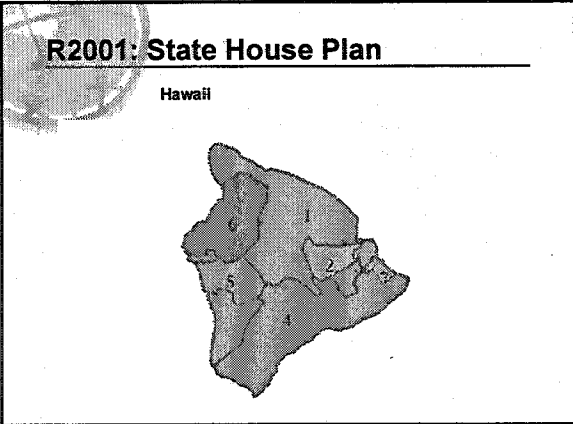
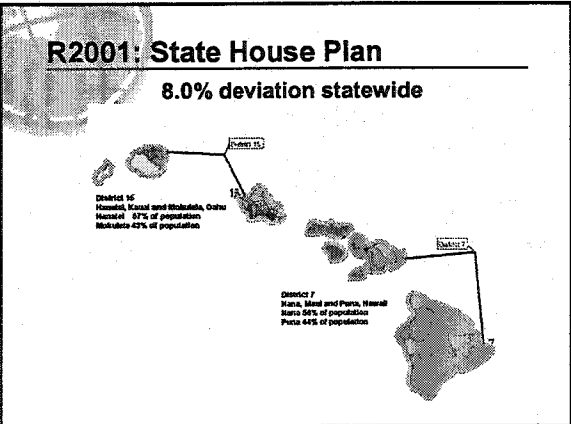
2000 PL Data	Districts	Districts	Dev
Target Population	51	51	16%
CC Honolulu (37)	36.36	36	1%
Hawaii/Maui (11+c)	12.09	12	1%
Kauai County (2+c)	2.56	3	-15%

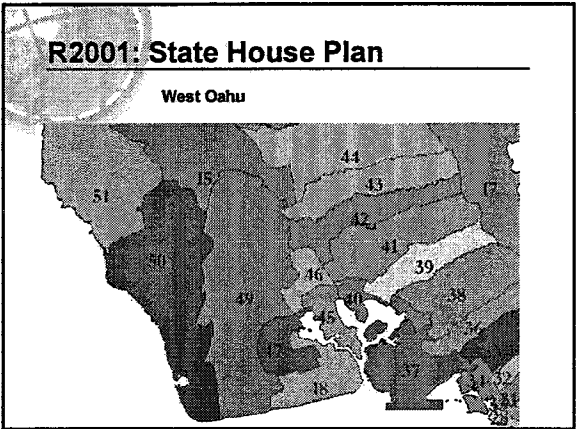
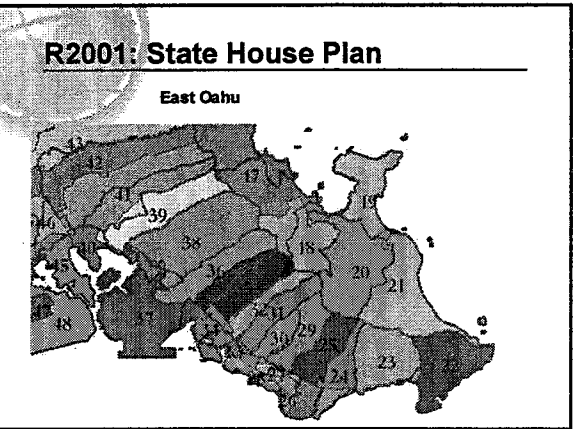
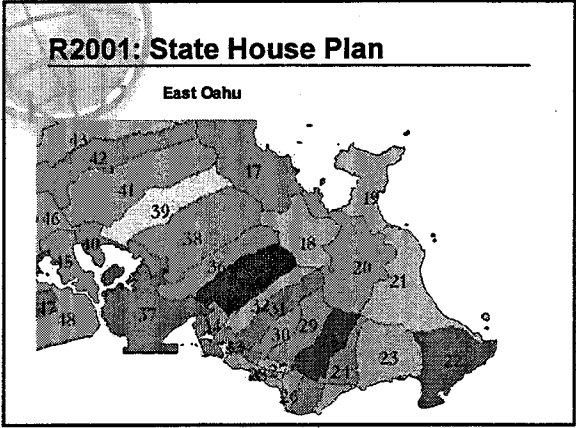
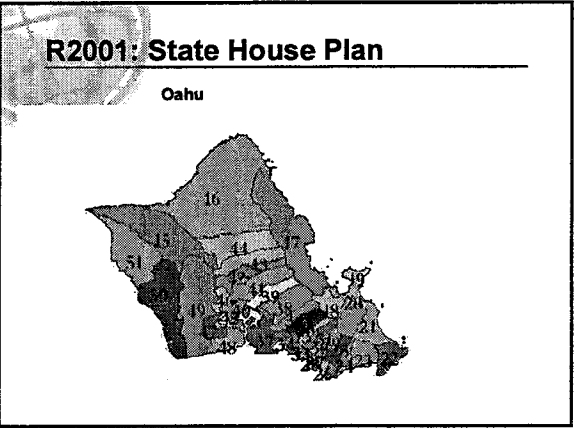
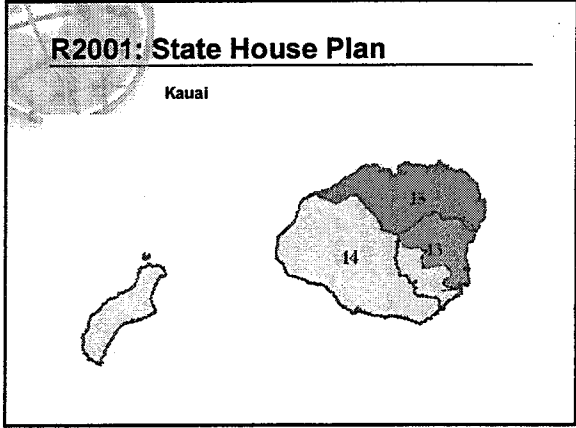
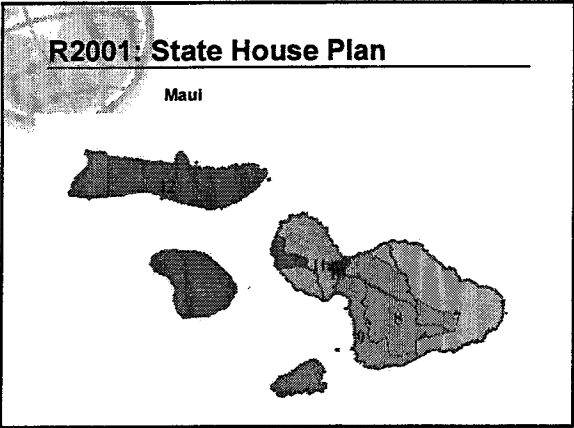
Best achievable statewide deviation is 16% (less than 10% is presumed constitutional)

R2001: State House Plan
 State Population Base
 51 House Districts with Two Canoes

2000 PL Data	Districts	Districts	Dev
Target Population	51	51	2%
CCH/Kauai (39+c)	38.91	39	-1%
Hawaii/Maui (11+c)	12.09	12	1%

Best achievable statewide deviation is 2% (less than 10% is presumed constitutional)





Common Cause Hawaii

P.O.Box 235353 Honolulu, HI 96823-3505 Tel. (808) 533-6996
Citizens Working for Open, Honest, Accountable Government

July 31, 2001

received
 7/31/01

To: Reapportionment Commission
 From: Larry Meacham, Spokesperson *Ln*
 Subject: Proposing a Possible Method to Reduce the Number of Senate Canoe Districts.

Today's presentation included the following information:

2000 PL Data Districts
 Target Population

CC Honolulu	17.82
Hawaii County	3.17
Maui County	2.75
Kauai County	1.25

Since the target deviation has to be below 10%, the following configuration would also work:

2000 PL Data Districts
 Target Population

CC Honolulu	17.82	18 districts at 99% of target population
Hawaii County	3.17	3 districts at 106% of target population
Maui County	2.75	2 districts at 100% of target population plus one canoe district at 100% of target population
Kauai County	1.25	1 district at 100% of population plus one canoe district at 100% of target population

Since this would reduce the number of canoe districts, I ask that it be considered.

Mahalo for your consideration.





THE LEAGUE OF WOMEN VOTERS OF HAWAII

Rec 7/31/01
APPENDIX C

49 SOUTH HOTEL STREET ROOM 314 HONOLULU HAWAII 96813 PH (808) 531 7448

TESTIMONY TO THE REAPPORTIONMENT COMMISSION - JULY 31, 2001

Chair Minami, members of the Reapportionment Commission,

My name is Jean Aoki, and I am the Legislative Chair for the League of Women Voters of Hawaii

The League of Women Voters has followed the Commission meetings from the outset and had high hopes for a successful conclusion fueled by a process which would be very open with interested citizens given the opportunity to be fully engaged. We were fairly comfortable in the belief that the commission process prescribed by our State constitution precluded the domination of the redistricting process by one party to the disadvantage of the other. The publicized process with plans for web site access and posted data that would invite us all to track the unfolding work product and even to do our own plotting seemed to promise a process that would be above reproach.

When the targeted dates passed without the promised access, we waited patiently. It was with much disappointment and dismay that we heard about the preview given the legislators even before the proposed new legislative redistricting maps were presented to the whole commission and, in accordance with the State sunshine law, to the public at the same time. At the least, we expected the plans to be presented to the commission on Thursday of last week with the plans posted on the web site soon after that, but we were informed that the presentation would be done on July 31. Then we read in the newspapers stories that are alleging possible gerrymandering promoted by questionable motives.

We have not seen any of the proposed plans, but if the reports are true, we can only conclude that legislators (from both parties) have the opportunity to manipulate the redistricting, thus significantly influencing biased outcomes. It was with great interest that I had read the concluding paragraph in a column written some time ago by Jerry Burris, the Honolulu Advertiser's Editorial Editor :

" Voters like to flatter themselves with the thought that they choose their candidates or their representatives. The truth is that, through reapportionment, it is the politicians who choose us "

If the rumors are true, that Incumbents' residences were identified on the maps, or overlays used that provided that information, then we must infer that the incumbent in each district was a consideration in redrawing the lines. What this amounts to is the pre-selecting of a major candidate for each newly-drawn district by the legislators and their appointed commissioners. It also suggests that individual incumbents were a consideration in the decisions to eliminate districts. Among the criteria to be followed as provided by the State constitution, one required that no district shall be drawn as to unduly favor a person or political faction. By implication, the reverse of this also holds, that district lines should not be drawn to disfavor certain legislators. What is reported to be happening, if true, would give credence to Burris's observation, and we would need to consider some means of giving future Reapportionment Commissions the vital independence which would shelter them from political influences.

Ideally, the district lines should be drawn with the residents in mind, in accordance with the provisions in our State constitution which, if followed faithfully, should preclude the kind of extreme political gerrymandering that is allegedly happening here.

The League of Women Voters will not judge the new district lines on the basis of whose seats were saved and vice versa. However, we do expect to see lines drawn honestly, impartially, and objectively, following the constitution, and keeping in mind the residents of the respective districts. The selection of the legislators for each district must be left entirely to the voters of each respective district. Gerrymandering in carving districts must not reflect partisan or internal political purposes.

It is our understanding, and we hope we are not mistaken in this, that what is approved today will be presented as a draft proposal at hearings throughout the State, and that this draft proposal will be subject to alteration pending public scrutiny and comment. In any event, what goes out for public hearings should be a credible plan that the commission can explain, and if need be, defend with no apologies.

We urge all of you to preserve the credibility of this commission, and do whatever is necessary to prevent the further erosion of the faith of Hawaii's citizens that, in the words of our state constitution, Article I, Section I "All political power of this state is inherent in the people and the responsibility thereof rests with the people. All government is founded on this authority."

Thank you for allowing us this opportunity to voice our concerns.

**MINUTES OF THE
EIGHTH REGULAR MEETING OF THE
2001 REAPPORTIONMENT COMMISSION**

**August 2, 2001
2:00 p.m.**

**Hawaii State Capitol
Room 329
Honolulu, Hawaii**

Commissioners in Attendance:

Mr. Wayne K. Minami, Chairperson
Mr. Deron K. Akiona
Ms. Jill E. Frierson
Ms. Lori Hoo
Mr. Shelton Jim On
Mr. Lynn C. Kinney
Mr. Kenneth T.G. Lum
Mr. Harold S. Masumoto
Mr. David Rae

Advisory Council in Attendance:

Mr. Stephen Goodenow, Oahu
Mr. Jim Hall, Oahu
Mr. Robert Ogawa, Oahu
Ms. Geal Talbert, Oahu
Mr. Frank Jung, Hawaii
Ms. Shirley Spencer, Hawaii
Ms. Georgine Busch, Hawaii
Mr. Wayne Metcalf, Hawaii
Mr. Mark Andrews, Maui
Mr. Fred Rohlfing, Maui
Ms. Madge Schaefer, Maui
Mr. Manuel Moniz, Maui
Ms. Betty Chandler, Kauai
Mr. Dennis Esaki, Kauai
Mr. Jerome Hew, Kauai
Ms. Trinette Kauai, Kauai

Technical Support Staff in Attendance:

Mr. Dwayne D. Yoshina, Office of Elections
Mr. David Rosenbrock, Office of Elections/Reapportionment Staff

Minutes of the Eighth Regular Meeting of the 2001 Reapportionment Commission
Page 2

Mr. Lawrence Chun, Office of Elections/Reapportionment Staff
Ms. Cynthia Fukunaga, Office of Elections/Reapportionment Staff
Mr. Strather Ing, Office of Elections/Reapportionment Staff
Ms. Keala Naluai, Office of Elections/Reapportionment Staff
Mr. Robynn Yokooji, Office of Elections
Mr. Scott Nago, Office of Elections
Mr. Rex Quidilla, Office of Elections
Mr. Brian Aburano, Department of the Attorney General
Mr. Aaron Schulaner, Department of the Attorney General

Observers Present:

Mr. Larry Meacham, Common Cause Hawaii
Ms. Jean Aoki, League of Women Voters
Mr. Marc Oto, Speaker of the House Office
Mr. Glen Takahashi, City Clerks Office
Mr. Pat Omandam, Honolulu Star Bulletin
Ms. Lynne Matusow, Downtown Neighborhood Board
Rep. Chris Halford, House of Representatives
Ms. Roberta Weatherford, Representative Bertha Leong Office
Mr. Clifton Takamura, Neighborhood Board 08
Mr. Bob Carter, Senator Hemmings Office
Mr. Nathan Takeuchi, Representative Roy Takumi Office
Mr. Kevin Dayton, Honolulu Advertiser
Ms. Tina Shelton, KHON TV News
Ms. Mona Kapaku, Representative Bukoski Office
Mr. Bert Warashina, Senate Office
Mr. Henry Curtis, Life of the Land
Mr. Mark Adams, Maui News
Ms. Shannon Wood, The Koolau News
Ms. Caroline Slugter, KITV News
Mr. Bob Herkes
Mr. M. Kido
Mr. Melvin Ah Chi, Senator Sam Slom Office
Ms. Wendy Miyashiro, Representative C. Djou Office
Ms. Barbara Hale, State/House Hale
Rep. Roy Takumi, House of Representatives
Ms. Kii McMannen, Senator Chun Oakland Office

I. Call to Order

Chairperson, Wayne Minami, called the Eighth Regular Meeting of the 2001 Reapportionment Commission to order at 2:18 p.m. in Conference Room 329 of the Hawaii State Capitol, Honolulu, Hawaii.

II. Approval of Minutes

Commissioner Jill Frierson moved to have the minutes of the Eighth Regular Meeting of the 2001 Reapportionment Commission on July 26, 2001 approved. Commissioner Deron Akiona seconded the motion. The motion was carried unanimously by the Commissioners in attendance.

PROCEEDINGS

III. Selection of Vice-Chairperson

Chairperson Minami asked the members of the Commission for nominations for a Vice-Chairperson for the 2001 Reapportionment Commission.

Commissioner Lori Hoo nominated Commissioner Frierson as Vice-Chairperson. Commissioner David Rae seconded the nomination. With no other discussion Commissioner Frierson was elected as the 2001 Reapportionment Commission Vice-Chairperson by a unanimous vote of all Commissioners present.

IV. Advisory Councils Testimony

A. Testimony by Ms. Madge Schaefer, Maui Advisory Council Member

Ms. Schaefer addressed the Commission again on the issue of non-resident military dependents. Ms. Schaefer said that Mark Adams, a reporter for the Maui News, had provided her with a fact sheet that outlined the 1992 constitutional amendment regarding the "permanent resident" population base. She feels that "the document clearly outlines what the intention of the constitutional amendment ballot session was."

Ms. Schaefer provided the Commission with a copy of the fact sheet that she said was prepared by the House Majority Staff and was provided to County Clerks throughout the state to give to each polling place. She reported that a copy was also sent to each person who requested an absentee ballot for the November 3, 1992 election.

Ms. Schaefer read parts of the Fact Sheet to the Commission and focused on Question #4, which she read:

Question #4: Equal Representation of Permanent Residents

"Shall the reapportionment commission use the total number of permanent residents instead of the number of registered voters as the reapportionment base?"

During 1991, the Commission held public hearings and it was recommended that the legislature apportionment base be changed from registered voters to permanent residents. Initially, the Commission had intended that the population base would consist of permanent residents, derived from subtracting minors and nonresident military and their dependents from the total population figures provided in the 1990 Census. However, overwhelming testimony persuaded the Commission to include minors in the count.

The commission chose to use the number of permanent residents as the legislature apportionment base because the number of permanent residents was the base used in the last legislative reapportionment, the Proceedings of the Constitutional Convention of Hawaii in 1968 supported its use, the number of canoe districts was reduced, and there was no opposing legal precedent. Minors were included in the count of permanent residents because exclusion of children is contrary to Hawaiian tradition and several organizations testified that if minors were excluded, rural areas and certain ethnic groups such as Hawaiians would be underrepresented.

Ms. Schaefer mentioned to the Commission that with the inclusion of non-resident military dependents, the Commission is ignoring the opinion of 210,000 voters who voted in the November 3, 1992 election. Ms. Schaefer asked the Commission again to reconsider and take out the 41,430 non-resident dependents from the population base. She also asked the Commission to seek the opinion from the Attorney General's Office.

Commissioner Shelton Jim On requested that the Commission seek counsel from the Commission's Deputy Attorney General in Executive Session on the issue that Ms. Schaefer had brought forth to the Commission.

B. Testimony by Ms. Georgine Busch, Hawaii Advisory Council

Ms. Busch reported to the Commission that they have held a public meeting using videoconference sites in Hilo and Kona August 1, 2001. She expressed thanks to the Reapportionment Staff for their informative presentation.

Ms. Busch reported to the Commission some of the comments received at the meeting.

1. Public concern about the inclusion of aliens and non-resident military dependents in the population base. The Committee informed the public that the Commission decided on the population base and chose not to revisit the issue. Members of the public asked how other states look at the population base and how it is being handled. Ms. Busch asked that the Commission post that information on the website.

Minutes of the Eighth Regular Meeting of the 2001 Reapportionment Commission
Page 5

2. The Hawaii Advisory Committee requested that the Commission look at and make additional adjustments to avoid a canoe district on the Big Island.
3. Ms. Busch read a resolution by the Hawaii Advisory Council to the Commission: "The Hawaii County Reapportionment Advisory Council requests that the following recommendation be made in the 2001 Reapportionment Commission final report. Future Reapportionment Commission membership should be determined on a proportional basis of total population to insure that each county has representation as well as a voice on the Commission. Currently the neighbor islands have no representation on the Commission while they make up 38% of the population."

Ms. Busch expressed gratitude for the work of the Commission and reported that the Hawaii County has been very responsive in the reapportionment process.

C. Testimony by Ms. Betty Chandler, Kauai Advisory Council

Ms. Chandler asked the Commission if there is only one plan at the present time. Chairperson Minami answered that the Commission will be voting on one plan to take to the public.

She asked if there are any alternate plans of the Senate districts. Commissioner Frierson said that the plans were made available pursuant to the Common Cause-complaint. Ms. Chandler asked that the alternate plans be available on the website.

Ms. Chandler asked that if Kauai has to be canoed with Oahu that it be canoed with a rural district on Oahu. She also suggested that the Commission make clear to the public that the current plans are preliminary and are up for discussion.

D. Testimony by Dennis Esaki, Kauai Advisory Council

1. Canoe District – Mr. Esaki mentioned to the Commission that he has no problem with Anahola, Kauai being canoed with Waimanalo, Oahu.
2. Population Base – Mr. Esaki said that the Commission has done the proper thing in the decision of including and excluding certain groups in the population base. He feels that the Commission was not trying to benefit another island in the process.

V. Public Testimony

A. Testimony by Lynne Matusow, Downtown Neighborhood board

Ms. Matusow said that she would like to see more details on the Commission's proposed reapportionment maps so that she could determine the boundaries of the proposed new districts. She said that it is really difficult for the public to testify at today's meeting intelligently because they are unable to determine the boundaries of the proposed new districts. Ms. Matusow requested that the Commission push back their calendar another week to add street names on the maps for the public to review.

Commissioner Rae mentioned that the street names and issuing of maps will be discussed during the Public Information Committee report. Commissioner Rae emphasized that the Commission is not approving final maps at this meeting. What the Commission is approving are draft maps for public review.

B. Testimony by Shannon Wood, The Koolau News

1. Response to Ms. Schaefer's testimony – Ms. Wood testified that military dependents attend public schools, on and off base; they drive the roads, utilize public recreation areas and are an integral part of the community. Although they may not be permanent residents, they are in Hawaii for 3-6 years and many decide to stay in Hawaii. Ms. Wood would like the dependents to continue to be included in the population count.
2. Ms. Wood testified that it is difficult to determine the boundaries of the districts because there are no streets labeled. She had to do her own research to figure out the details.
3. Senatorial Districts on Windward Side of Oahu – Ms. Wood asked that the Commission reconsider the senatorial districts that have been drawn for Windward Oahu. She asked for more logic and rationality in the decision making process for the districts. Ms. Wood said that if the Commission feels that the senate districts on Windward Oahu should be canoed, instead of taking the district from Kailua/Waimanalo, take it from the Northern part of Windward Oahu, so that rural to rural districts would be combined. Ms. Wood also testified that the Big Island districting is a disaster and should be reconsidered.

C. Testimony by Henry Curtis, Life of the Land

Mr. Curtis asked the Commission if the Legislatures were shown the same level of detail as is shown to the public. He also asked that the street and neighborhood breakdown be shown before any decision takes place.

VI. Decision Making on the House and Senate Legislative Districts

Chairperson Minami mentioned to all those in attendance that this decision sets in place a proposed plan which will be the subject of public hearings throughout the islands. The final decision is scheduled for October. The Commission will be taking public testimony after a 20-day notice period. The 20-day period will start when the Commission is able to publish the plans with the required information (maps and descriptions). The public hearings are scheduled to start at the end of August.

Chairperson Minami moved that the Commission adopt the recommendations from the Technical Committee as the proposed plans for public hearings throughout the state.

Commissioner Jim On asked that the Commission go into executive session at this time in order to discuss the issues that have been raised by public testimony. He felt that the Commission should discuss those issues in executive session before they make a decision on the plans.

Commissioner Akiona moved that the Commission go into executive session to discuss with the Commission's counsel the issue of non-resident military dependents. Commissioner Kinney seconded the motion. The Commission went into executive session by a unanimous vote of the Commissioners present.

VII. Executive Session

At 2:48 p.m., the Commission went into executive session to discuss the issues as outlined previously with the legal counsel.

The Eighth Reapportionment Commission meeting was reconvened to the public at 3:56 p.m.

Chairperson Minami reported to the public that based on the information that has been presented by Ms. Schaefer, the Commission has decided to ask for the Attorney General's opinion on the matter. The Commission will defer action on the proposed House and Senate legislative districts.

VIII. Public Hearing Schedule

Chairperson Minami mentioned that the public hearing schedule will be deferred because the Commission does not have plans to take to the hearings.

IX. Committee Reports

A. Public Information Committee

Commissioner Rae reported the process that will take place when the draft plans are adopted.

1. The base maps, which will have the street names on them, will be sent to a number of libraries and the media for publication. The base maps will be made by the Reapportionment staff.
2. Diskettes will be available for the public at the Reapportionment office. The public can take these diskettes for use at their own discretion, i.e., to have maps printed at printers of their own choice. Individual requests for maps will not be fulfilled because the Reapportionment staff does not have the time or resource to print maps for the public.
3. Each Advisory Council will receive a set of maps and a diskette.
4. There will be an announcement as to which libraries will have the maps accessible and when diskettes can be picked up from the Reapportionment office.
5. The maps will be posted on the Reapportionment Commission's website showing street names.

B. Technical Committee

There is no report at this time

XI. Support Services

C. GIS Staff Services Status Report

Mr. Rosenbrock asked the Commission if the staff is going to continue with the plans that they are working on presently. Chairperson Minami said that the Commission has no approved plans at this moment and that everything is on hold. The Commission expects to receive an answer from the Attorney General before the meeting on Thursday, August 9, 2001.

D. Administrative Staff Services Status Report

There is no report at this time

XII. Correspondence and Announcements

There was no correspondence or announcements reported

XIII. Other Business

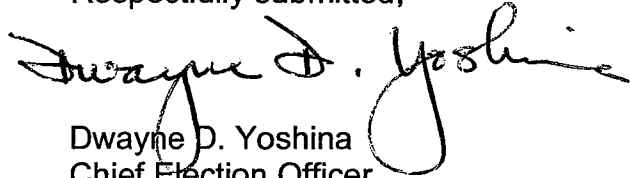
There was no other business to discuss

XIV. Adjournment

There being no other business to discuss Commissioner Rae moved to adjourn the Eighth Meeting of the 2001 Reapportionment Commission. Commissioner Kinney seconded the motion.

The Eighth Regular Meeting of the 2001 Reapportionment Commission was adjourned at 4:00 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dwayne D. Yoshina". The signature is written in a cursive style with a large, looping initial "D".

Dwayne D. Yoshina
Chief Election Officer
Secretary of the
2001 Reapportionment Commission



**MINUTES OF THE
NINTH REGULAR MEETING OF THE
2001 REAPPORTIONMENT COMMISSION**

**August 9, 2001
2:00 p.m.**

**Hawaii State Capitol
Room 329
Honolulu, Hawaii**

Commissioners in Attendance:

Mr. Wayne K. Minami, Chairperson
Mr. Deron K. Akiona
Ms. Jill E. Frierson
Ms. Lori Hoo
Mr. Shelton Jim On
Mr. Lynn C. Kinney
Mr. Kenneth T.G. Lum
Mr. Harold S. Masumoto
Mr. David Rae

Advisory Council in Attendance:

Mr. Stephen Goodenow, Oahu
Mr. Jim Hall, Oahu
Mr. Robert Ogawa, Oahu
Ms. Geal Talbert, Oahu
Ms. Georgine Busch, Hawaii
Mr. Wayne Metcalf, Hawaii
Mr. Fred Rohlfing, Maui
Ms. Madge Schaefer, Maui
Mr. Manuel Moniz, Maui
Ms. Betty Chandler, Kauai
Mr. Dennis Esaki, Kauai
Mr. Jerome Hew, Kauai
Ms. Trinetta Kauai, Kauai

Technical Support Staff in Attendance:

Mr. Dwayne D. Yoshina, Office of Elections
Mr. David Rosenbrock, Office of Elections/Reapportionment Staff
Mr. Lawrence Chun, Office of Elections/Reapportionment Staff
Ms. Cynthia Fukunaga, Office of Elections/Reapportionment Staff
Mr. Strather Ing, Office of Elections/Reapportionment Staff

Minutes of the Ninth Regular Meeting of the 2001 Reapportionment Commission
Page 2

Ms. Keala Naluai, Office of Elections/Reapportionment Staff
Mr. Robynn Yokooji, Office of Elections
Mr. Rex Quidilla, Office of Elections
Mr. Brian Aburano, Department of the Attorney General
Mr. Aaron Schulaner, Department of the Attorney General

Observers Present:

Mr. Larry Meacham, Common Cause Hawaii
Ms. Jean Aoki, League of Women Voters
Mr. Marc Oto, Speaker of the House Office
Mr. Pat Omandam, Honolulu Star Bulletin
Ms. Lynne Matusow, Downtown Neighborhood Board
Rep. Chris Halford, House of Representatives
Mr. Clifton Takamura, Neighborhood Board 08
Mr. Kevin Dayton, Honolulu Advertiser
Mr. Gregg Takayama, KHON TV News
Mr. Bert Warashina, Senate Office
Ms. Shannon Wood, The Koolau News
Ms. Caroline Slugter, KITV News
Mr. M. Kido
Ms. Wendy Miyashiro, Representative C. Djou Office
Ms. Pearl Johnson, League of Women Voters
Mr. Charles Carole, League of Women Voters
Mr. Joe Tassill
Ms. Genevieve Suzuki, Hawaii Herald
Ms. Renata Kossmehl, KHPR
Ms. Bridgett Urbenski, Representative Whalen Office
Ms. Brandi Lau, Representative Morita Office
Mr. Larry Sagaysay, Representative Magaoay Office
Mr. Glen Takahashi, City Clerk Office
Ms. Joan Shinn, Representative Marumoto Office
Ms. Lokelani Laybon, Senate Minority Office
Mr. Brian Fuchigami, Representative Yoshinaga Office
Ms. Mindy Jaffe, House of Representatives
Mr. Scott Ishikawa, Honolulu Advertiser

I. Call to Order

Chairperson, Wayne Minami, called the Ninth Regular Meeting of the 2001 Reapportionment Commission to order at 2:21 p.m. in Conference Room 329 of the Hawaii State Capitol, Honolulu, Hawaii.

II. Approval of Minutes

Commissioner Lynn Kinney moved to have the minutes of the Eighth Regular Meeting of the 2001 Reapportionment Commission on August 2, 2001 approved. Commissioner Deron Akiona seconded the motion. The motion was carried unanimously by the Commissioners in attendance.

PROCEEDINGS

III. Advisory Councils Testimony

A. Testimony by Ms. Trinette Kauai, Kauai Advisory Council Member

Ms. Kauai expressed gratitude to the Commission for making the Reapportionment staff available to present a public briefing on Kauai that explained the process of redistricting and reapportionment.

Ms. Kauai shared some of the comments made by the north shore community at the public briefing. She mentioned that the comments were not necessarily the views of the Kauai Advisory Council.

1. Submergence - the north shore community felt that they are being submerged in the proposed senatorial district.
2. Canoe district - if a canoe district were inevitable, then canoeing with a neighbor island other than Oahu would be preferred.
3. Equalize districts - the community felt that the canoe districts should be equalized in population.
4. New canoe district - the north shore residents, who have been in a canoe district since 1981, suggested that the canoe district be changed to another part of the island instead of the north shore.
5. Commission representation - concern was expressed that there was no representation of the neighbor islands on the Commission.
6. Final plan - many residents felt that the plan was a done deal. However, Mr. Rosenbrock tried to assure the community that it is just a proposed plan and that there will be a public hearing in Kauai to allow for public testimony. They were reassured that the Commission will listen to the community's testimony.

B. Testimony by Mr. Jim Hall, Oahu Advisory Council Member

Mr. Hall made a brief statement about the proposed "canoe" districts for every basic island unit. He believes that the use of "canoe" districts is "unfair, unpopular, unworkable, unconstitutional, and worst of all unnecessary." Mr. Hall stated that he had prepared a paper explaining why this is so. This paper has been distributed to the Commission members and copies are available to those who wish to obtain a copy. See Appendix A for a copy of Mr. Hall's paper.

In conversations with other Advisory Council Members, particularly those from the neighbor islands, Mr. Hall stated that it was apparent that the majority of them agreed with his assessment. Hawaii's experience with twenty years of canoe districts has proven these assumptions correct -- unfair, unpopular, unworkable, unconstitutional, and unnecessary.

Mr. Hall stated, that based on his research, he has concluded that sheer mathematical exactitude is neither a U.S. nor a Hawaii Constitutional imperative. He stated that the solution was simple. Use the Hawaii constitutionally mandated method of equal proportions to determine the number of *whole* seats each basic island should have in both houses of the legislature. For the second step in the two-tier process, district lines should be drawn. Where there are numerical inequities, the final lines should be drawn so as to balance over-representation in one house with under-representation in the other. This technique was used by the 1968 Con-Con in drawing up the new plans after the original districting plan was found unconstitutional by the U.S. Supreme Court (*Burns v. Richardson*). The Con-Con delegates drew the Kauai District under-representing Kauai in the Senate with one seat and over-representing them with three seats in the House. Even though the deviations were exceedingly large, this stratagem was found to be constitutional and is exactly the same problem we face today.

C. Testimony by Mr. Stephen Goodenow, Oahu Advisory Council Member

Mr. Goodenow informed the Commission that the Oahu Advisory Council would be holding its first meeting on August 9, 2001, at 7:00 p.m., at Washington Intermediate School. All Commission members are welcome to attend. The Reapportionment staff will be making a presentation to the general public who wish to be informed about the process of reapportionment and redistricting. There will be two more Advisory Council meetings the following two weeks at Castle High School and Mililani High School, both at 7:00pm.

IV. Public Testimony

There was no public testimony presented

V. Report from the Attorney General's Office

Mr. Brian Aburano, the Deputy Attorney General and the Commission's counsel submitted a letter from the Attorney General's (AG) office. He summarized the findings in the letter as follows: The law was not so clear to the AG's office that they felt that they could tell the Commission what to do regarding whether or not the Commission should or should not exclude the dependents of non-resident military (DNRM). The AG's office suggests in the letter that the Commission members exercise their judgment in considering this issue – given past historical precedents, past historical policies, and, possibly, the intentions of the legislature and the voters who passed the 1992 Constitutional Amendment. See Appendix B for a copy of the AG office's letter.

Discussion:

1. Commissioner Shelton Jim On asking about the historical background of the Commission and the possibilities of the Commission being sued.
 - Commissioner Jim On asked Mr. Aburano that based on the historical background of the Commission and their decision of the population base, if the Commission were to follow the historical background, would the Commission be better off in respect to the direction of excluding military dependents rather than including the military dependents?
 - Mr. Aburano responded that when you look at the term "permanent resident" in the Constitution and if you follow the way that the Hawaii Supreme Court usually tries to construe constitutional terms such as that, the first thing they do is try to determine whether it has a plain and unambiguous meaning or not. If it has a plain and unambiguous meaning, then the Court construes the document without referral to any extrinsic evidence (i.e., legislative reports, what may have been the intentions of the voters). On the other hand, if the Court felt that the term was ambiguous, the Court could consider things such as the probable intentions of the voters, the legislative reports, and the history of the time. If the Courts did that, then it would play some part on how the Court decides whether or not the inclusion of dependents of non-resident military is proper or not.
 - Mr. Aburano mentioned that another component that comes in as far as the history - is that it may be easier to defend a case, in terms of consistency, when you are looking at what the Commission has apparently done in the historical past. In both 1991 and apparently in 1981 (when the reapportionment plan was drawn by a court appointed master), they did exclude the dependents of non-resident military.
 - Commissioner Jim On asked that if the Commission were to vote to exclude military dependents, it could do so with the understanding that this would be consistent with the historical policies, precedents and decisions that the AG's office had given the Commission according to the memorandum.

- Mr. Aburano said that it would be in line with what the prior two Commissions had done. Mr. Aburano added that if the Commission were to go the route of reconsidering its decision and exclude the dependents of non-resident military, there is no guarantee that the Commission could not be sued for that as well. There has been stated a preference in some of the Federal Constitutional Law for more inclusion rather than less. He noted that Hawaii is one of the few states that reapportion on the basis of something less than the total population.
 - Commissioner Jim On asked if there are any states that were referred to in the letter in which the voters, combined with the prior Commission, gave actual intent to a decision that was subsequently voted into law. He asked if there were any cases which concerned a similar situation that would give the Commission an idea as to whether the Court would give deference to that - as opposed to saying that inclusiveness might be a better policy overall.
 - Mr. Aburano cited cases from the states of Alaska and New York. In the case of Alaska, they are to reapportion on the basis of the "civilian population", which is a part of their constitution, but Mr. Aburano did not know if the Alaska voters voted on that constitutional requirement or not. Mr. Aburano mentioned that in the Alaska case cited, for various reasons, the reapportionment authority decided to use total population rather than the civilian population for reapportionment. In the state of New York, it was an advisory opinion regarding a decision concerning a county rule or statute. Mr. Aburano did not know if the voters voted on that rule or statute. The New York Court of Appeals held that the county could use total population instead of a resident or "registered voter" population. The court specifically mentioned that more inclusiveness seemed to be the preference under Federal Law and this seems to have had some influence on the decision. Mr. Aburano stated that he was unaware of an exact case similar to the one that Hawaii is facing now.
 - Commissioner Jim On asked the Commission's legal counsel if he was aware of any lawsuits, claims or criticism from the public for the full 10-year period after the Commission voted to exclude the military dependents in 1991. Mr. Aburano stated that he was unaware of any lawsuits, claims or criticism as it pertains to the exclusion of military dependents.
2. Chairperson Minami asking about the Hawaii State Constitution and the population base.
- Chairperson Minami asked if the Hawaii State Constitution at one time stated that reapportionment should be based on "registered voters". Mr. Aburano answered in the affirmative.

- Chairperson Minami asked if that was still included in the Constitution today. Mr. Aburano said that the “registered voter” population base is no longer in the Constitution because it was replaced by the “permanent resident” population base. Chairperson Minami asked if the registered voter population base in the Constitution was at one time approved by the voters. Mr. Aburano answered in the affirmative.
- Chairperson Minami asked if it (the registered voter population base) was held unconstitutional by the Federal Court. Mr. Aburano answered that it was held unconstitutional in the *Travis v. King* case. Mr. Aburano explained that the registered voter population base was upheld by the U.S. Supreme Court on an interim basis in *Burns v. Richardson*. By the time of *Travis v. King*, years later, the Court said that conditions in Hawaii had changed such that the registered voter base was no longer a permissible constitutional base. Essentially, it didn’t measure up any longer to Federal Constitutional standards.
- Chairperson Minami asked what the Court in that case was looking - trying to apply - in determining what is a proper basis for reapportionment. Mr. Aburano thought that they were trying to follow the *Reynolds v. Sims* case, i.e., one person-one-vote or equal representation for equal populations. Mr. Aburano went on to note that, as several members of the Commission were aware, there is a difference of opinion among the Federal Circuit Courts as to what kind of equality is required with respect to reapportionment bases.
 - Mr. Aburano noted that there is what they call “Representational Equality” - which people think means you must have an equal number of legislators for an absolutely equal number of populations - regardless of whether the populations can vote, are military, are residents, or include aliens.
 - Mr. Aburano also noted that there is “Electoral Equality” - and that is a proposition that you should have equal representation in terms of each person’s vote being equally weighted. Mr. Aburano cited the example of the *Garza* case in which a party complained that Hispanic aliens should be excluded from the reapportionment base since their inclusion diluted the votes of persons in districts without large alien populations.

Mr. Aburano said that there is currently no solid indication as to whether the U.S. Supreme Court leaned towards Representational Equality or Electoral Equality. However, he noted that the Ninth Circuit Court of Appeals, which the Commission is subject to, in its only decision on this matter, has apparently opted for Representational Equality.

3. Commissioner Harold Masumoto asking for clarification on the actions of the prior two Commissions and for comments with respect to Professor Van Dyke's memorandum.

- Commissioner Masumoto asked Mr. Aburano to clarify if he said that in both 1981 and 1991, military dependents were excluded.

Mr. Aburano said that in 1991, military dependents were excluded from the population base. In 1981, it is his understanding that the military dependents were excluded. This was based on what was said in the 1991 Reapportionment Commission's final report. He tried to confirm that by going to the United States District Court (for the District of Hawaii) to look up the *Travis v. King* files, but they had been closed and sent to San Bruno, California, and it would take about four (4) weeks to get the files back at an unknown cost.

Mr. Aburano noted that the reason he had to go to the court files was that a court-appointed master had put together the 1981 reapportionment plan. Mr. Aburano also asked Mr. James Funaki, who was counsel to the reapportionment commission back around that time. Mr. Funaki could not recall exactly but thought that the 1981 plan excluded military dependents.

- Commissioner Masumoto asked Mr. Aburano if he had seen the memorandum submitted by Mr. Jon Van Dyke, professor of law at University of Hawaii-Manoa. See Appendix C for a copy of Professor Van Dyke's memorandum. Mr. Aburano answered in the affirmative.
- Mr. Masumoto asked if Mr. Aburano concurred with Professor Van Dyke's findings. Mr. Aburano stated that he concurred with Professor Van Dyke's findings insofar as he was reporting what the courts in Alaska did. Mr. Aburano then summarized the history of reapportionment in Alaska as reported by the Alaska courts.
 - First, it appears that Alaska tried to exclude all military personnel from its reapportionment base, which was unconstitutional.
 - Then, they tried to exclude non-resident military, but they had trouble extracting the non-resident military population. In the *Hickel* case, they claimed that they couldn't get any information from the military as to the non-resident military population, e.g., the number of non-resident military and their locations. They tried various methodologies to extract the non-resident military population but could not do so, and the courts in Alaska apparently found that convincing in allowing them to reapportion on the basis of total population rather than excluding the non-resident military population.

Minutes of the Ninth Regular Meeting of the 2001 Reapportionment Commission

Page 9

Mr. Aburano mentioned that Alaska appeared to have done a lot of work looking at alternatives in trying to extract the non-resident military population. Mr. Aburano indicated that Alaska may have had more time and resources to research such information than the Commission did in Hawaii.

- Commissioner David Rae mentioned that in Professor Van Dykes' memorandum he indicated that in order to exclude a population, it should be done in a fair and reliable fashion. Commissioner Rae asked Mr. Aburano if he agreed with the comment. Mr. Aburano stated that as a general proposition that would be true.
 - Commissioner Rae stated that his understanding of the term reliable, from statistical analysis, is that it would be repeatable time after time after time - that one would come out with the same answer. He asked, "If one were to exclude the dependents of non-resident military, whether one would necessarily come up by putting them in the same census tract time after time after time, is the data that reliable?"
 - Mr. David Rosenbrock said that he was not sure. He said that there is a lag period between the time the military are stationed in Hawaii or stationed outside Hawaii and their current addresses. There is also a lag between when the dependents would move to Hawaii or out of Hawaii and their current addresses. Mr. Rosenbrock said that it is not likely to be reliable due to the lag.

4. Exclusion in a fair and reasonable manner.

- Commissioner Jim On asked if they (military dependents) were excluded in a fair manner, whether that would be consistent not only with our Constitution but also with historical policies.
- Assuming you can use something less than a total population base, the decisions up to now indicate that you can exclude non-residents from a state reapportionment base. As such, if you can accurately and reasonably determine the non-residents to be excluded, Mr. Aburano stated that there shouldn't be a problem with that. However, he cautioned that there is still the underlying problem that the Federal Courts may at some time decide that Hawaii should really be using total population for reapportionment as the other states do.
- Commissioner Jim On stated that basically the Commission is caught between two principles: (1) to give deference to the voters, what they voted for and what the background is, and (2) the possibility of equal protection. He asked Mr. Aburano if that is what the Commission is facing. Mr. Aburano answered basically in the affirmative.

- Commissioner Jim On asked that if the Commission were to exclude military dependents, would that violate the principles established in both State and Federal precedents? Mr. Aburano said that the AG office's letter indicates that if the Commission were to follow what the Commissions had done in the past, the argument could be made that that was something that had been approved in *Burns v. Richardson* and not apparently disapproved in *Travis v. King* – particularly if it turned out to be true that the reapportionment plan approved in *Travis v. King* excluded the dependents of non-resident military.
- Commissioner Jim On asked if an equal protection argument was raised in *Travis v. King*. Mr. Aburano answered in the affirmative, but noted that the equal protection argument was with respect to the registered voter population base and not with respect to the dependents of non-resident military.

5. Foundation in precedents and the historical practice of prior Reapportionment Commissions.

Commissioner David Akiona commented based on reading the letter from the AG's office and the memo from Professor Van Dyke. Based on historical precedents regarding the Commission, the Senate Committee reports, and the subsequent information that was brought to the Commission regarding the information from the Majority staff office of the House of Representatives, it appears to him that if the Commission were to exclude the non-resident military personnel, it would be sitting with some foundation - some precedent - that this has been done in this state before, has not been challenged, and has been essentially common historical practice as far as the Reapportionment Commission has operated for at least the past two terms. Mr. Aburano confirmed the statement.

6. Running the risk of a Federal Court challenge.

Commissioner Masumoto asked whether the Commission could follow historical precedents but run the risk of a Federal Constitutional challenge unless they had a good reason for exclusion. Mr. Aburano answered in the affirmative.

Commissioner Masumoto asked if the Reapportionment staff informs the Commission that they "cannot say how many non-resident military dependents were residing in Hawaii on March 31, 2000", and the Commission cannot rebut that statement, that remains in the record of the Commission, and the Commission goes to trial, what are the chances of that statement being a

dispositive statement if the Commission excludes the non-resident military dependents?

- Mr. Aburano stated that there could be a high risk that the Commission would have to face in the courts, if the dependents of non-resident military were registered voters and they filed suit claiming a violation of equal representation because they had been excluded. Mr. Aburano noted that there is a question of whether the dependents being included in the reapportionment base is a fundamental right or not. If it is a fundamental right, then the Commission's action could be subject to strict scrutiny. If the Commission was subject to strict scrutiny, there would be a lot of questions asked as whether the Commission could have done something less (harmful to the dependents' rights).
- On the other hand, if you follow what they did or appeared to do in Alaska, they didn't appear to indicate that it (inclusion in a reapportionment base) was a fundamental right. As such, it was something that could be approved if a state could show a rational basis for its actions. If you could show a rational basis for excluding the dependents of non-resident military, such as historical state policy, the Commission's action may be able to be protected.

Commissioner Masumoto asked for clarification that historical policy might overcome lack of information. Mr. Aburano said that he is not necessarily saying that historical policy will overcome the lack of information. Mr. Aburano noted that litigation such as the *Travis v. King* case takes a considerable amount of time, and that discovery during that time may turn up the information currently lacking. In any event, if you follow the reasoning of the more recent Alaska case, if you don't have sufficient information then you may be safer including (populations within the reapportionment base).

Commissioner Masumoto asked that based upon the statement which the Commission has from the staff and without information to overcome that, would the Commission be running a very high risk, because the staff's statement is going to be a part of the record. Mr. Aburano said that the Commission would be running a risk but declined to say whether or not it would be running a "high risk".

Chairperson Minami asked a member of the staff to outline the information that they have regarding the numbers that they have and the basis for them. A member of the public asked the Chairperson if members of the audience could obtain a copy of the letter from the AG's office that the Commission referred to in their discussion.

Because there were not enough copies, a member of the audience asked that the Commission go into recess until they could make sufficient copies for

whoever wanted one. Agreeing to this request, the Reapportionment Commission recessed at 2:51 p.m. and returned at 3:26 p.m.

VI. Support Services

A. GIS Staff Services Status Report

Mr. David Rosenbrock reported that the staff services had put together a packet for the Commission's review. The packet was prepared by David Rosenbrock, State Project Manager; Royce Jones, Project Manager for Environmental Systems Research Institute; and Sherry Amundson, Project Manager for Maptech.

Mr. Rosenbrock outlined what was contained in the packet:

1. The Attorney General's letter.
2. The memorandum by Professor Van Dyke.
3. Data Support Calculation of the Non-resident Military Population - to discuss the methodology and how the staff rolled the numbers through.
4. Military acknowledgement of Dependents - shows how a sponsor makes his or her dependents eligible for medical benefits which is in the Dependent Eligibility Enrollment Reporting System (DEERS)
5. Technical Documentation - used in the 1991 methodology for the Reapportionment Commission.
6. Reapportionment/Redistricting Population Base Data Set - prepared by David Rosenbrock on June 21, 2001 and reported to the Commission
7. E-mail by Royce Jones concerning the data that they have received.

See Appendix D for copies of the foregoing information.

Discussion:

Chairperson Minami mentioned that the issue for the Commission is whether it can identify the non-resident military dependents in trying to determine whether the Commission should include or exclude them. If the Commission does exclude the military dependents, they need to know who they are, the numbers and how they would go about excluding them.

Mr. Rosenbrock stated that the staff knows from the data received from the Defense Manpower Data Center (DMDC) what active duty military sponsors

paid taxes in another state but were assigned to Hawaii duty stations on March 30, 2000. They know which military sponsors paid out of state taxes and they know the count (of such persons). They know the zip codes that their (the military sponsor's) duty station was located in. They have a methodology in which to roll that extraction through the census blocks in that zip code and model the number so that they could make the extraction. Through the DEERS, the staff was able to count the dependents assigned to the sponsor's social security number. The final table given to the staff by the DMDC of the dependents of non-resident military is included in the packet. The numbers have been updated from the original count reported on June 21, 2001.

Chairperson Minami asked Mr. Rosenbrock to go over the process in determining how the military dependents were identified. Mr. Rosenbrock reported that the process is the same from the original talking paper.

1. The staff asked DMDC West to extract those service members who have declared residency in another state and their dependents.
2. DMDC West said that the most reliable information was their active duty pay file. They extracted all those social security numbers that had a state other than Hawaii as the state in which they pay taxes. They extracted all of those social security numbers and all of the zip codes. That was the initial extraction.
3. The secondary extraction for dependents was from DEERS. They extracted across the field that had the same social security number as the sponsors. They found the dependents that correlated with the sponsor's social security number. They then derived the zip code of the dependent. In many cases, the zip code of the sponsor and the dependent are not the same.

Commissioner Kenny Lum asked what set of numbers would the staff use, the July 21, 2001 figures or the August 9, 2001 figures. Mr. Rosenbrock stated that if they were to make the extractions, they would have to use the latest figures from August 9, 2001.

Chairperson Minami asked how they would explain the sponsors with non-Hawaii zip codes. Mr. Rosenbrock said that some sponsors may have been assigned to Hawaii and moved. When a person changes duty stations, it is up to the person to go to the personnel detachment center and update the paperwork. Everything that they received from the military has a lag in the update of information. The lags can run from 30 days to 90 days or longer depending on the situation. There are some folks were either transferred to Hawaii and had not gone through the process, or folks that were transferred out of Hawaii and had not completed the process.

Commissioner Lum asked of the 53,261 dependents, what percentage of these would be tracked through the zip code in terms of the numbers being excluded? Mr. Rosenbrock stated that they would be able to extract all of the dependents through zip code if that was the decision of the Commission.

Commissioner David Rae asked for clarification about the certainty that the dependents of the non-resident military are or are not permanent residents in the State of Hawaii. Mr. Rosenbrock indicated that short of defining it (the term "permanent residents"), there was no certainty. The Commissions have made assumptions in the past.

Assuming that permanent residents is something of a legal determination for which you have to have an attorney's help, and assuming that the Commission were to exclude military dependents in accordance with their zip code, Commissioner Jim On asked if the staff could then put those numbers in accordance with the zip code and indicate in which particular districts the dependents would show up belonging to. He also asked if the dependents are not scattered all around the islands but are more likely in concentrated areas. Mr. Rosenbrock answered in the affirmative.

1. Because of the concentration of the location of the dependents, Commissioner Jim On asked if the staff would be able to localize or get a pretty good or fair idea of where the 53,261 dependents are located, i.e., what area and districts or what part of the State of Hawaii that the dependents would be located in. Mr. Rosenbrock answered in the affirmative.
2. Commissioner Jim On asked if the staff had tried to actually utilize the figures and apply it to the zip code information to determine where the concentration of the number of dependents are. Mr. Rosenbrock stated that the staff has not done that because it was not a responsibility that he has been charged with based on the Commission's decision, i.e., he has not actually modeled the extraction throughout the zip codes. However, he mentioned that he has taken a look and it was quite obvious where those zip codes are. After inquiry, Mr. Rosenbrock said that the zip codes are around the military installations - where the housing is located.
3. Commissioner Lynn Kinney asked if the same would apply to the prisoners that wherever the jail was located, that's where they would be counted.
4. Commissioner Jim On asked to what degree of accuracy would Mr. Rosenbrock assign through the extraction figure and model that they have employed using the zip code and placing the dependents on the charts according to the zip codes as to where the dependents are located. Mr. Rosenbrock answered that with any statistical model it depends on what model you are using. If you only use one model, the staff's, he had 100%

confidence in his model. But if you compare the staff's model and another model then the percent accuracy would be different. He also mentioned that it is not the model that is in question; it is a substantial model and is basically the same model that was used in the past as far as how one goes about doing extractions. They would concentrate at the most dense portion of the housing unit then as the number gets used up. It is not the model itself that would be the problem; it is the data that makes up the model.

Chairperson Minami noted that the numbers of the dependents that the staff has presented are tied to sponsors that are paying taxes to a state other than Hawaii. He asked if the staff had any information to determine that the dependents in fact are non-resident or that they would automatically follow the residency of their sponsor. Mr. Rosenbrock answered in the negative.

Chairperson Minami asked how the 1991 Reapportionment Commission treated that information. Mr. Rosenbrock stated that it was a problem. He stated that according to page 3-3 of the Technical Document (made by SSRI for the 1991 Reapportionment Commission), the definition of "state of legal residence" was a consistent problem all over the services. He continued to read (from the Technical Document) that the matter of residency appeared to be a matter of convenience or a matter of personal benefit. "The entire question of residency is characterized by a lack of a consistent rule to apply," read Mr. Rosenbrock (from the Technical Document).

Chairperson Minami asked what the 1991 Reapportionment said about residence of dependents. Mr. Rosenbrock read the report that stated, "dependents were assumed to claim the same residency as the military member of the family based upon information supplied by military officials that this was the case in 98% of the families."

Chairperson Minami asked if the staff had found any document that the 1991 Commission was referring to. Mr. Rosenbrock answered in the negative. He said that he saw sampling, things given to them by the commands, that each of the services was different, and that there were insufficient counts in files. Chairperson Minami read a portion of the Technical Document (Section 3.3.2) which noted that no information on the state of residence of dependents was available. Mr. Rosenbrock added that what they (SSRI) did was to create their own statistical model so that each one of the services could try and ascertain if they could apply a value to it. He mentioned that there is a lot about estimation (in the Technical Document).

Commissioner Lori Hoo asked that based on his expertise, how he would look at the reports from the 1991 Reapportionment Commission. Mr. Rosenbrock stated that he is glad that he is doing the work now and not back then. Referring to the Technical Document, he said that this was a lot of work and he didn't know the full value of it other than statistical sampling that you really get

out of it. He said he was glad to be doing his work now where he had databases in which to pull (information). They did not have the benefit of the databases that the DMDC West has now; they didn't have this technology back then. They were not able to cross reference the two files. The 1991 Reapportionment Commission's work was done by methods which, at best, are statistical sampling models.

Commissioner Kinney asked if it would be questionable at best on the accuracy of whatever they received back from their survey; if they received anything back at all. Mr. Rosenbrock agreed with Commissioner Kinney.

Commissioner Jill Frierson stated that the 1991 Commission obviously felt quite strongly about excluding military dependents such that they proceeded to use information that they admit to be difficult to obtain and they created a model and did it. She had meant to ask the Deputy Attorney General how much the courts look at the effect of the choice of the base rather than just the constitutionality of how the Commission chooses it. She noted that the effect of this could be very deleterious to several districts. Obviously the last Commission felt very strongly about excluding the military dependents. Mr. Rosenbrock said that he felt exactly the same way and that he didn't know; but he did feel fortunate about working on this reapportionment because there are now databases to work with. He stated that he felt that the Commission should use the databases as a basis for their decisions. He stated also that he recently noticed that the definitions of military dependents include people that he hadn't previously considered, e.g. parents, persons that had married local folks here, and voting age children. In this last respect, he noted that children are considered military dependents until the age of 23. It raises the question of if they are living here and are 19 years old and going to the University of Hawaii, are they counted as non-resident students. The UH system also has waivers for military dependents. The whole process is very complicated in trying to figure out what the intentions (are of the dependents).

Commissioner Masumoto stated that the children are considered dependents until the age of 23. On military records they are shown as dependents, but for UH purposes, the military personnel and their dependents can be counted as in-state for tuition purposes. However, if we use the military data, they would be excluded. Mr. Rosenbrock stated that there is a waiver for newly transferred military personnel that allows them to pay in-state tuition.

Commissioner Masumoto asked, to clarify in his mind, that for the active duty personnel the staff is using the pay records, and that for the dependents another database is being used. Mr. Rosenbrock confirmed this and identified the "Medical Point in Time Extract" as the database that was used to identify the dependents. Commissioner Masumoto asked if there is the same degree reliability of the data or is one more reliable than the other. Mr. Rosenbrock said that in one data base (the active duty pay records) there is self-declared intent,

in the other (the Medical Point in Time Extract) there is no declaration. He stated that he does not have the same confidence level in both numbers.

VII. Motion to reconsider the Population Base

Commissioner Deron Akiona moved to reconsider the Reapportionment Commission's decision to include dependents of non-resident military. Commissioner Jim On seconded the motion.

Discussion:

- A. Commissioner Jim On stated that it would be safe and prudent for the Commission, based on what he heard from the Attorney General, and notwithstanding the statistician's viewpoint of not being able to discern the intent – he thought it would be prudent to follow the historical course, the policies, what our voters had decided in the past, and stick to what the law and what the intent of the law was at the time it was adopted by the voters of the State of Hawaii. For that reason, Commissioner Jim On felt that it was necessary to ask that the Commission reconsider its position. If the Commission does not reconsider its position, consider the practical effects - if it has not been challenged in the past 20 years, it is doubtful and in fact dubious that there will be a challenge. The argument that there may be equal protection, in his personal opinion, was very deminimus considering there has been no testimony. There is also a question of whether military dependents have a right to be included in this type of redistricting plans – whether it rises to the degree of fundamental rights that would create a strict scrutiny of what the Commission does. He feels the safest and the most prudent course is to follow what the Commissions have done in the past and what they have put before the voters of Hawaii. To do otherwise would be to do violence to what was done back in 1992 - the Commission would basically be disregarding what the voters had asked or had empowered Commissioners, the government, and the people to do, which was to define permanent residents to exclude military dependents.
- B. Commissioner David Rae stated that he would be voting no on the motion to reconsider. While, he appreciated the heart-felt comments of those who have brought this issue to the attention of the Commission, he said that the debate over the last several weeks has solidified, if anything, his opinion. He stated that his thoughts are not those of an attorney, but those of a civilian who moved to Hawaii quite a few years ago not knowing how long he would stay and was embraced by this community. Commissioner Rae stated that it is not one of what the Commission did ten or twenty years ago. If the Commission did something that was wrong ten years ago, it does not make it right to continue to do it today. He expressed concern that the Commission cannot accurately determine whether the dependents of the non-resident military are indeed non-

residents. Whether they are voting members of our community. He again mentioned that they use state services; they go to state schools, their children play soccer with our children; and to exclude them from representation is just not right. Commissioner Rae noted that if the dependents are not counted here, they won't be counted anywhere else. Their spouses are defending our country, there can't be anything more fundamental than including them and counting them wherever they are in whatever concentration.

- C. Commissioner Masumoto stated that he will vote along with Commissioner Rae. The problem he is having is that the Commission is already excluding the active duty personnel, and they are now suggesting that they might want to exclude military dependents. If the Commission considers the people associated with the military as a class of people, then if you exclude the active duty and the dependents, you are excluding a class of people. If you are going to exclude a class, Commissioner Masumoto said that he wanted to be sure that they had good strong reasons for doing so. From what he heard today, the Commission does not have the data on which to make that exclusion. If the Commission doesn't have the data, Commissioner Masumoto felt that under the U.S. Constitution, it would be safer to include them (the dependents of non-resident military). He predicted that if the Commission excluded the dependents, there would be a lawsuit challenging that exclusion. Since attorneys' fees would be available for such a case, Commissioner Masumoto felt that an attorney would be found to file such a lawsuit against the Commission. As such, he felt that the safer course is inclusion.
- D. Commissioner Deron Akiona stated that originally he voted in support to include, but that he will change his vote to yes to reconsider for the following reasons:
1. It is not an issue of whether there is discrimination or elimination of a class of citizens. He feels that it has become an issue of whether there was a clear historical intent on the part of the people of Hawaii to exclude this particular population. Historically, the military population is fluctuating and that might be the base of the reason why everyone will say that there is a military presence, but no one can tell you that tomorrow if there is an event that takes place in the world the population could double in the matter of three months for the state. In a year, the military population could grow to one-third of what it currently is, if the U.S. Congress changes and starts closing down bases. There is really is no basis to tell you what the population is.
 2. He does not see it as excluding a population by the people of Hawaii, because a non-resident military that has declared residency outside of Hawaii, his dependents could easily register to and vote in the next election. There is nothing that stops them from becoming citizens to vote in the State of Hawaii. It is clear that the intent, based on the information received to

date, of the former Reapportionment Commission, the Hawaii State Senate in their committee report, and the (information circulated under) state letterhead from the Lieutenant Governor's office and the Office of Elections clearly tells the voters in this State that if you vote for this amendment, you are voting to exclude military dependents from the permanent resident population. That vote was 210,000 or 220,000 to 100,000 – a two to one vote. The people had expressed their opinion that this population would not be part of the permanent resident base. He feels that there is better than an even-money chance that there will be a challenge to the Commission's decision - because the Commission is turning against past precedent and you're looking at a constitutional amendment that passed clearly two to one. He indicated that he felt that this was a state and not a federal issue. Unfortunately there is no clear definition of what a permanent resident is and maybe that is something that the legislature should take up in the next election so that the Commission would not have to face the same problem in ten years. Commissioner Akiona closed by stating that he will vote in support of the reconsideration.

Roll Call:

Commissioners Akiona, Frierson, Jim On, and Lum voted in support of reconsidering the population base; while Commissioners Hoo, Kinney, Masumoto, and Rae voted against reconsidering the population base. Chairperson broke the tie vote with a vote against reconsidering the population base. With four (4) votes for and five (5) votes against, the motion to reconsider the population base failed.

VIII. Decision Making on the House and Senate Legislative Districts

Chairperson Minami reported that the Commission has already presented the proposed House and Senate plans that were presented by the Technical Committee. Chairperson Minami moved that the Commission accept the proposed districts as the basis of public hearings by the Commission upon publication and the 20-day notice period. The motion was seconded.

Discussion:

1. Commissioner Rae wanted to clarify to the public that the plans are drafts and are subject to public hearings that will be occurring in the various communities. Chairperson Minami has asked that as many of the Commissioners attend the public hearings. Despite comments that have been made that "this is what it is," it is important for the public to realize that public testimony is persuasive and that the Commission wants to hear what communities think about this so that adjustments might be made.

2. Commissioner Frierson commented that after a week and a half of working on the lines, she feels that despite some quibbles that she has with these maps (i.e., the canoe district from Kauai to windward Oahu) and some other issues - she also notes that from being there that there were good faith efforts, despite her problems with the population base, to fairly redraw the State. She emphasized that the plans are a draft and that it is very important now that the community come out and talk to the Commission about this. She mentioned that the people in Kailua and on the windward side, if they have a problem with the proposed canoe district, they had better be at the hearings because the Commission needs to hear from them. She indicated that she has some issues, but this was not the time for them. The time is at the public hearings.
3. Commissioner Hoo asked the staff when the detailed maps would be available for the public. Mr. Rosenbrock said that they would be ready by Monday. The staff is looking at a publication deadline of August 20, 2001. There needs to be a give and take period with the newspapers for the proofreading of the metes and bounds. In order to have the plans published on the 20th, they need to have everything ready to go on August 13. Mr. Rosenbrock indicated that the maps would have detail down to the street level, and would cover the entire State.
4. Commissioner Rae asked the staff if the maps that are currently on the website are the maps that have the street names on it. He commented that the Commission is making available to media outlets the sets of maps, and that diskettes would be available to the public on Tuesday for pick up and reproduction.
5. Commissioner Jim On asked the Chairperson if they would be taking public comment as well before the vote is taken. Chairperson Minami accepted additional public testimony.

- Testimony by Ms. Betty Chandler, Kauai Advisory Council Member

Ms. Chandler reported that the Advisory Council had been receiving interesting comments from people who reside in the canoe districts. They have asked if it is possible or legal for the people of Kauai to ask that they take three (3) House districts and give one (1) Senate district based on the feeling that they are this much (a small part) of a Senate district and this much of (a large part) of a House district. She asked if even talking about this possibility is legal, otherwise there is no point in getting the people excited about doing something.

Several Commission members stated that they were going to study Mr. Hall's proposal before answering that question.

Commissioner Rae stated that there is always a point in the public expressing their comments. It is up to the Commission and our legal advisors to say whether they can or cannot do one thing or another.

Ms. Chandler asked if the all members of the Commission would be in attendance at the Kauai public hearing. Chairperson Minami stated that it is the Commission's goal to have as many people attend; there will be a majority in attendance as well as the Commission's legal counsel.

Commissioner Masumoto asked if the legal counsel could research the question brought up by Ms. Chandler.

The motion was carried by a unanimous vote of the Commissioners in attendance.

IX. Public Hearing Schedule

Chairperson Minami reported that the Commission's public hearing schedule is not ready because it is dependent on the publication of the plans. The legal requirements that after the plans are published, the Commission has to wait 20-days before public hearings can be held. The schedule for public hearings will be noted as soon as there is a definite date of publication.

Commissioner Rae asked if the schedule they had now was incorrect. Chairperson Minami announced that the current schedule is incorrect and that the hearings will be pushed back.

Mr. Goodenow announced to the public that the Advisory Councils in all the islands have been holding meetings. The public is invited to attend the Advisory Council meetings to learn about the process of the reapportionment and prepare for the public hearings.

X. Committee Reports

A. Public Information Committee

There is no report at this time.

B. Technical Committee

There is no report at this time.

X. Correspondence and Announcements

The Commission received an outline of the correspondence received

Minutes of the Ninth Regular Meeting of the 2001 Reapportionment Commission
Page 22

XI. Executive Session

The Commission did not go into executive session

XII. Other Business

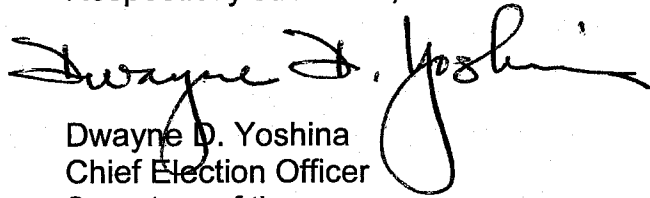
Commission meetings will be canceled for the rest of the month until further notice.

XIII. Adjournment

There being no other business to discuss the Ninth Meeting of the 2001 Reapportionment Commission was adjourned.

The Ninth Regular Meeting of the 2001 Reapportionment Commission was adjourned at 4:00 p.m.

Respectfully submitted,



Dwayne D. Yoshina
Chief Election Officer
Secretary of the
2001 Reapportionment Commission

STATEMENT BY JAMES V. HALL, MEMBER, HAWAII STATE REAPPORTIONMENT ADVISORY COUNCIL, BEFORE THE HAWAII STATE REAPPORTIONMENT COMMISSION, 8/9/01

Mr. Chairman, Members of the Reapportionment Commission, I would like to make a brief statement about the proposed "Canoe Districts" for every basic island unit. I believe that the use of "Canoe Districts" is **unfair, unpopular, unworkable, unconstitutional, and worst of all, unnecessary.**

I have prepared a paper explaining why this is so. This paper has been distributed to the commission members and copies are available to those who wish to obtain a copy.

In conversations with other Advisory Council Members, particularly those from the Neighbor Islands, it is apparent that the majority of them agree with my assessment. Hawaii's experience with twenty years of canoe districts has proven these assumptions correct -- **unfair, unpopular, unworkable, unconstitutional, and unnecessary.**

In essence, from my research I have concluded that sheer mathematical exactitude is neither a U.S. nor a Hawaii Constitutional imperative.

The solution is simple. Use the Hawaii Constitutionally mandated method of equal proportions to determine the number of *whole* seats each basic island should have in both houses of the legislature. For the second step in the two-tier process, district lines should then be drawn. Where there are numerical inequities, the final lines should be drawn so as to *balance* over-representation in one house with under-representation in the other. This technique was used by the 1968 Con-Con in drawing up the new plans after the original districting plan was found unconstitutional by the U.S. Supreme Court (*Burns v. Richardson*). The Con-Con delegates drew the Kauai District under-representing Kauai in the Senate with one seat and over-representing them with three seats in the House. Even though the deviations were exceedingly large, this stratagem was found to be constitutional and is exactly the same problem we face today.

Thank you. I would be glad to answer any questions.

THE "NO-CANOE" PLAN

Canoe Districts are unfair, unconstitutional, and offend the principle of equal protection under the law

James V. Hall

Member, Hawaii State Reapportionment Advisory Council

1. The situation: The Hawaii State Reapportionment Commission has prepared a draft plan that would create four "canoe" districts (i.e., legislative districts that extend beyond the boundaries of the basic island unit). The proposed plan would create one house and one senate district to be shared by Oahu and Kauai, and one house and one senate district to be shared by Maui and the island of Hawaii. No legislator who has represented a "canoe" district likes such districts. They are almost forced to neglect the smaller end of the "canoe." For example, the existing "canoes" connect Hana, Maui to Hanalei Kauai a distance of 247 air miles [327 km] [214 nautical miles]. This does not include time to travel to an inter-island airport in order to board a plane. Add car rental or taxi, overnight at a hotel, and \$130 roundtrip and suddenly attending community meetings at the small end of the canoe becomes a major undertaking for a part-time legislator. Consequently the citizens living in the small end of the canoe fit the descriptions outlined in *Reynolds v. Sims* (377 U.S. at 565, 84 S. Ct. at 1383):

- "Full and effective participation by all citizens in state government requires, therefore, that each citizen have an equally effective voice in the election of members of his state legislature" and
- "The basic principle of representative government remains, and must remain, unchanged -- the weight of a citizen's vote cannot be made to depend on where he lives..." (377 U.S. At 567, 84 S.Ct. at 1384).

2. Solution: The solution is a basic one. Since the proposed canoe districts are located preponderantly in one basic island unit, then the large end of the canoe simply is assigned the entire district. For example, when determining precisely how many house or senate seats a basic island unit is assigned, one simply divides the ideal state house or senate district into the total adjusted population. Hawaii is then qualified for 3.29 senate seats and 6.72 house seats. These are rounded off to 3 senate and 7 house for Hawaii. Maui would get 2.85 senate (3) and 5.82 house seats (6). Kauai would get 1.3 (1) senate seats and 2.65 (3) house seats. Oahu 35.82 (35) and 17.56 (18). The key is to balance overrepresentation in one house with under representation in the other house. (See accompanying table -- "The No-Canoe District Chart")

3. Legal Justification: The United States Supreme Court in *Reynolds v. Sims*, 377 U.S. 533, remarked that "apportionment in one house (of a bicameral legislature) could be arranged so as to balance off minor inequities in the representation of certain areas in the other house."

The Hawaii Supreme Court has also passed judgment on such a possibility. Citing not only *Reynolds v. Sims* but *Mahan v. Howell*, 410 U.S. 315 (1973); *Burns v. Richardson*, 384 U.S. 73 (1966); and *Maryland Committee for Fair Representation v. Tawes*, 377 U.S. 656 (1964) the Hawaii Supreme Court in *Blair v. Ariyoshi*, No. 5537, November 15, 1973 that the "method of 'equal proportions' as set forth in paragraph 11, Article III, Section 4, of the Constitution of the State of Hawaii, should be construed to permit the Reapportionment Commission to consider the effect of apportionment in one house of the legislature in balancing off inequities in the representation of certain areas in the other house."

They further wrote that when using the method of equal proportions the final house seat was supposed to be assigned to Oahu. They wrote; "The factual situation is that the basic island unit of Kauai is underrepresented in the senate and to balance off this under representation, the respondents allocated the last house seat allocable to the basic island unit of Oahu to the basic island unit of Kauai."

The precise situation pertains today (see accompanying table-- "The No-Canoe District Chart".)

4. Hawaii State Constitutional Provisions:

BASIC ISLAND UNITS

The Two-tiered Approach

The State Constitution of Hawaii Article IV states:

APPORTIONMENT AMONG THE BASIC ISLAND UNITS

Section 4. The commission shall allocate the total number of members of each house of the state legislature being reapportioned among the four basic island units namely: (1) the island of Hawaii, (2) the islands of Maui, Lanai, Molokai and Kahoolawe, (3) the island of Oahu and all other islands not specifically enumerated, and (4) the islands of Kauai and Niihau, using the total number of permanent residents in each of the basic island units and computed by the method known as the method of equal proportions; except that no basic island unit shall receive less the one member in each house.

This is the beginning point. Once the number of seats in each basic island unit is determined then start delineating districts basic island unit by basic island unit. Two-tiered simply means that once the number of districts in each basic island unit is determined, then one redistricts within each basic island unit.

APPORTIONMENT WITHIN BASIC ISLAND UNITS

Section 6. Upon the determination of the total number of members of each house of the state legislature to which each basic island unit is entitled, the commission shall apportion the members among the districts there in 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 recognizable 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.
8. Where practicable, submergence of an area in a larger district wherein substantially different socio-economic interests predominate shall be avoided.

5. Historical Background for Basic Island Unit Concept *(Excepts from the Reapportionment Standing Committee in the Constitutional Convention of 1968).*

"Your Committee does not take issue with the basic philosophy underlying the one-man, one-vote principle but it is virtually unanimous in its opinion that rigid adherence to the principle may result in depraving substantial elements of our population of any effective representation in the state legislature in matters of government. This danger is occasioned largely by two factors which are unique to Hawaii. These are Hawaii's geographical structure wherein our four counties are each basic and independent island units separated by from thirty to seventy miles of open international ocean. The second factor is Hawaii's highly simplified and centralized government structure. No other state in the union posses either of these characteristics and of course, no other state even remotely approaches the situation resulting from a combination of both.

"Geographically, Hawaii's structure produces a number of results which must be considered in evaluating the needs of any governmental structure for the State. These are familiar to most of us but they will bear repetition here:

- Islands or groups of islands in Hawaii have been separate and distinct fundamental units since their first settlement by human beings in antiquity. As population grew, separate monarchies developed and each of the present counties was an independent free nation. It was not until about 1795, when Kamehameha I conquered and united the islands presently constituting Maui, Hawaii and Oahu under unified rule, that any abiding superior government existed. Kauai was never conquered by Kamehameha I but acquiesced to Kamehameha I in 1810. The first constitution of the nation of Hawaii, granted by King Kamehameha III in 1840 provided that there would be four governors "over these Hawaiian Islands -- one for Hawaii -- one for Maui -- and one for Kauai -- and the adjacent islands." The same constitution provided for a council

of nobles to establish laws for the nation chosen from the four island units. Thereafter in every constitution of the nation, the territory and the state, the island units have been recognized as separate political entities.

- Hawaii's insular separation has had effects far more pervasive, however, than simply the establishment of historically independent governmental units. Each of islands has had its unique geographic, topographic and climatic conditions which have produced strikingly different patterns of economic progress and occupational pursuits. Thus each unit of government has its own peculiar needs and priorities which in some instances may be quite different from any other county.
- Statewide news media are centralized on the island of Oahu, and concentrate their local news heavily, as might be expected, on Oahu matters. The people of Oahu therefore, constituting about 80% of the total population know a great deal about the problems facing their island but very little about the problems of any Neighbor Island.
- **It is not possible, given Hawaii's geography and its history, to manufacture tenable senatorial or representative districts by combing any parts of two counties. The result in any such case would always be the submergence and effective disenfranchisement of the voters in that county which constituted the lesser number. Consequently the people living in any given Neighbor Island unit can attain effective representation only from persons elected with that unit."**

7. Supreme Court opinion on Canoe Districts:

Canoe Districts: *Burns v. Gill*, essentially a review of *Burns v. Richardson* foresaw the possibility of canoe districts and issued the following cautionary opinion:

"... in Hawaii the rigid implementation of the one-man, one-vote principle at the State legislative level, an end which could be achieved only by deliberately and artificially chopping up communities with mutuality of political interest and attaching them to other areas with no basic mutuality between the two whatsoever, would result in a complete loss of meaningful representation to a multitude of island voters. The evidence before us satisfies this court that the two-tier apportionment plan adopted by the Constitutional Convention, i.e., initially apportioning all representative and senators among basic island units and thereafter drawing district lines within the islands themselves, now gives fuller and more meaningful representation to the voters of the several districts within each basic island unit than they could possibly have under any other scheme of apportionment. This court reaches that result in spite of the fact that differences in the number of voters per district exist not only between the several districts within each basic island unit, but also exist between

districts throughout the State. This court is satisfied that the geographical insularity and the past and present political and social history of the several basic island units virtually compelled the Convention to adopt the method of equal proportions in districting the State of Hawaii."

8. Star-Bulletin Editorial, August 2, 2001

Editorials

Thursday, August 2, 2001

It's time to sink canoe district idea

**The issue: The state Reapportionment
Commission has proposed an increase in
legislative districts spread over several islands.**

THE concept of disconnected legislative districts makes no sense except in strictly mathematical terms. Most states would not seriously consider such a scheme, and the notion of chopping off part of one state and combining it with another to equalize representation in the U.S. House would bring howls of laughter.*The Reapportionment Commission should therefore go back to the drawing board.

* (Note: Method known as "method of equal proportions" was challenged in the Supreme Court, No. 91-860 United States Department of Commerce v. Montana, [March 31, 1992].

The opinion in part: "There is some force to the argument that some historical insights that informed our construction of Article 1, Par 2, in the context of intrastate districting should apply here as well. (*The State of Montana challenging the method of equal proportions because it does not allow for mathematical exactitude for Congressional representation from state to state.*) As we interpreted the constitutional command that Representatives be chosen 'by the People of the several States' to require the States to pursue equality in

representation, we might well find that the requirement that Representatives be apportioned among the several States 'according to their respective Numbers' would also embody the same principle of equality. Yet it is by no means clear that the facts here establish a violation of the *Wesberry* standard. In cases involving variances within a State, changes in the absolute differences from the ideal produce parallel changes in the relative differences. Within a State, there is no theoretical incompatibility entailed in minimizing both the absolute and the relative differences.]

"...What is the better measure of inequality -- absolute difference in district size, absolute difference in share of a Representative, relative difference in district size or share? Neither mathematical analysis nor constitutional interpretation provides a conclusive answer. In none of these alternative measures of inequality do we find a substantive principle of commanding constitutional significance. The polestar of equal representation does not provide sufficient guidance to allow us to discern a single constitutionally permissible course.

"A State's compliance with *Wesberry's* 'high standard of justice and common sense' begins with a good faith effort to produce complete equality for each voter.")

Hawaii's Legislature now includes such "canoe" districts, in violation of the state Constitution, which says, "No district shall extend beyond the boundaries of any basic island unit," essentially meaning the county boundaries. The commission has reconfigured the lines to make them even more convoluted. Commission Chairman Wayne Minami says the panel "just drew the lines as the new population changes led us to." Limiting the criteria to population left common sense on the cutting room floor, along with constitutional considerations.

Proposed changes mean that residents of northern Kauai, now paired in the Senate with eastern Maui, would instead share a senator with voters in Oahu's suburban Kailua. In the House, most northern Kauaians would have their own representative, but others would be included in a district with the Schofield Barracks area of Oahu. In both House and Senate races, those eastern Maui voters' new ballot mates would be residents of Puna on the Big Island.

Combining Kauai with Niihau and Maui with Molokai and Lanai are understandable, because they are in the same counties, and neither Niihau, Lanai nor Molokai are populated enough to merit a full seat in either the House or

Senate. Creating other canoe districts by carving up the islands, including Oahu, would result -- as it does now -- in conflicted representation.

A better pattern would result in Kauai and Niihau having two senators and three representatives. Maui, Molokai and Lanai should have three senators and six House members, as should the Big Island. Individual districts could be drawn within those island combinations. That would result in eight senators and 15 House members representing the neighbor islands, one more in each chamber than they have now.

The House and Senate could achieve the desired tie-breaking odd number by adding or subtracting one seat in each chamber from Oahu, relieving residents of the Schofield Barracks area and Kailua from sharing a lawmaker with a neighbor island. Increasing the number of House and Senate districts would require a constitutional amendment.

As things now stand, a voter in an affected district could challenge the "canoe" system in court. That effort most likely would be successful, throwing the Legislature into disarray.

The Reapportionment Commission should thus sink its canoes, jump overboard and swim to shore as it seeks to bring its proposals into conformity with the Constitution and common sense.

THE NO-CANOE DISTRICT CHART

District	Adjusted Population ¹	Ideal House District	No. House seats ²	Percent Deviation ³	Ideal Senate District	No. Senate Seats ⁴	Percent Deviation ⁵
State	1,211,537	22,020	51	0%	44,922	25	0%
Oahu	788,746	22,535	35	-2.34%	43,819	18	+2.45%
Hawaii	147,877	21,125	7	+4.06%	49,292	3	-9.73%
Maui	128,074	21,345	6	+3.06%	42,691	3	+4.97%
Kauai	58,335	29,168	3	+11.69% ⁶	58,335	1	-29.85% ⁷

¹ Based on removing 42,430 non-resident military dependents from the base

² Rounded off

³ Determined by dividing ideal statewide house district into basic island unit ideal house district

⁴ Rounded off

⁵ Determined by dividing ideal statewide senate district into basic island unit ideal senate district

⁶ Allowed House Deviation (Kauai) under 1968 plan was +16.0%

⁷ Allowed Senate Deviation (Kauai) under 1968 plan was -23.5%



BENJAMIN J. CAYETANO
GOVERNOR



EARL I. ANZAI
ATTORNEY GENERAL

THOMAS R. KELLER
FIRST DEPUTY ATTORNEY GENERAL

STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL
425 QUEEN STREET
HONOLULU, HAWAII 96813
(808) 586-1500

August 9, 2001

2001 Reapportionment Commission
Hawaii State Capitol, Room 411
415 Beretania Street
Honolulu, Hawaii 96813
Attn: Mr. Wayne Minami, Chairperson

Re: Dependents of Non-Resident Military

Dear Mr. Minami:

The 2001 Reapportionment Commission has asked whether its decision to include the dependents of non-resident military ("DNRM") in the population base that the Commission will be using to reapportion and redistrict state legislative districts violates the Constitution of the United States ("Federal Constitution"), the Constitution of the State of Hawaii ("State Constitution"), or other applicable law. Based on our review of the issues, the Commission's decision does not clearly or necessarily violate the Federal Constitution, State Constitution, or other applicable law. However, based on historical policies and precedent, the Commission may wish to reconsider its decision and exclude the DNRM from the reapportionment base. If the Commission does decide to exclude the DNRM from the reapportionment base, it should do so with the understanding that such a decision might be challenged as violating the Federal Constitution.

We understand that the Commission voted to include DRNM in the reapportionment base because: (1) the DNRM did not themselves express that they were claiming residence in a state other than Hawaii; (2) the Commission staff could locate no objective evidence that the DNRM would follow their military member in claiming residence in a state other than Hawaii; (3) some Commissioners felt that the DNRM work in Hawaii, pay taxes, go to Hawaii schools, make use of state public services, are part of the Hawaii community, are eligible to vote in Hawaii, and should be counted for representation purposes; and (4) under the Federal Constitution, some Commissioners felt it was better to err on over-inclusiveness versus under-inclusiveness in the reapportionment base. In connection with item (2), the Commission staff reported that they were unable to find any basis for the statement in the 1991 Reapportionment Commission's Final Report that 98% of the military dependents followed the state of residence of their military member.

Following the Commission's decision, several persons have asked the Commission to reconsider its decision to include the DNRM in the reapportionment base. They claim that the State Constitution requires the Commission to use a reapportionment base of "permanent residents", and that the DNRM do not qualify as permanent residents. In support of this claim, they argue that the voters who approved use of the permanent resident reapportionment base in 1992 understood that the DNRM would be excluded from that base. This is based on a Fact Sheet that appears to have been issued by the House Majority Staff Office and sent to county clerks for posting at polling places and to absentee voters. In explaining the proposed constitutional amendment regarding the permanent resident reapportionment base, the Fact Sheet notes that the 1991 Reapportionment Commission recommended that the legislature reapportionment base be changed from registered voters to permanent residents. The Fact Sheet goes on to state:

Initially, the Commission had intended that the population base would consist of permanent residents, derived from subtracting minors and nonresident military and their dependents from the total population figures provided in the 1990 Census. However, overwhelming testimony persuaded the Commission to include minors in the count.

Proponents of excluding DNRM from the reapportionment base have also argued that dependents of military personnel in Hawaii may not be "residents" under state income tax laws. Finally, they have argued that inclusion of the DNRM will result in outer-island voters having their votes/representation diluted versus voters in Oahu districts that have substantial numbers of DNRM.

Sections 4 and 6 of Article IV of the State Constitution provide for the Commission to reapportion and redistrict the state legislature based on the number of "permanent residents" in Hawaii. A fundamental principle in construing constitutional provisions is to give effect to the intention of the framers and the people adopting it. Hirono v. Peabody, 81 Hawai'i 230, 232, 915 P.2d 704 (1996) citing Convention Center Auth. v. Anzai, 78 Hawai'i 157, 167, 890 P.2d 1197 (1995). If the words used in the constitution are clear and unambiguous, they are to be construed as written, and a court is not at liberty to search for their meaning beyond the instrument itself. State Ex Rel. Bronster v. Yoshina, 84 Hawai'i 179, 186, 932 P.2d 316 (1997); State v. Kahlbaun, 64 Haw. 197, 201, 638 P.2d 309 (1981). However, if the text is ambiguous, extrinsic aids may be examined to determine the intent of the framers and the people adopting the proposed constitutional amendment. Pray v. The Judicial Selection Commission, 75 Haw. 333, 343, 861 P.2d 723 (1993); Kahlbaun, 64 Haw. at 201-202. In gleaning this intent, the Hawaii Supreme Court has noted that an examination of the debates, proceedings and committee reports of the framers may be useful. Cf. Pray, 75 Haw. at 343 (an examination of the debates, proceedings and committee reports of the Constitutional Convention is useful). It has also noted that it can look "to the understanding of the voters who adopted the constitutional provisions". Kahlbaum,

64 Haw. at 202 citing State v. Lewis, 559 P.2d 630 (Alaska 1977) and People ex rel. Scott v. Briceland, 359 N.E.2d 149 (Ill. 1976). Notwithstanding the foregoing, the Hawaii Supreme Court has held that extrinsic evidence as to the intentions of the framers and people adopting a constitutional provision is not binding on the Court, and that the persuasive value of such evidence depends on the circumstances of each case. Pray, 75 Haw. at 373. In cases of an ambiguous constitutional amendment, the Hawaii Supreme Court has also looked to the object to be accomplished and the evils sought to be remedied by the amendment, along with the history of the times and the state of being when the constitutional provision was adopted. Kahlbaun, 64 Haw. at 202; HGEA v. County of Maui, 59 Haw. 65, 81, 576 P.2d 1029 (1978).

In this case, the term "permanent resident" as used in Article IV of the State Constitution could be held to have a plain and unambiguous meaning. The plain meanings of "permanent" and "resident" or "residence" indicate a lasting, stable or fixed place of abode, a personal presence at a place of abode with no present intention of definite or early removal and with a purpose to remain for an indefinite period of time. See Webster's Third New International Dictionary, Oxford American Dictionary, and Black's Law Dictionary (5th Edition 1979). This meaning is congruent with definitions applied by Hawaii courts to the term "domicile" which has sometimes been equated with permanent residence. In Re Lee Yit Kyau Pang, 32 Haw. 699, 704 (1933). Hawaii courts have defined "domicile" as requiring: (1) physical presence at a particular place; and (2) the intention to remain there permanently, or as is sometimes said, to make the place his home with no present intent to leave at any foreseeable time. Blackburn v. Blackburn, 41 Haw. 37, 40-41 (1955); Yamane v. Piper, 51 Haw. 339, 340, 461 P.2d 131 (1969) (holding that a person who moved away from Hawaii under a two year employment contract could have intended to change his domicile for tax purposes since, notwithstanding the short term nature of his contract, he could have intended to reside there indefinitely). Hawaii's tax laws have also focused on a taxpayer's intentions in defining the taxpayer's domicile. See Hawaii Revised Statutes ("HRS") § 235-1 and Hawaii Administrative Rules ("HAR") § 18-235-1.03. While it is true that a spouse of a military member stationed in Hawaii may remain a nonresident for tax purposes, the spouse must have the "intention to leave Hawaii when their spouse is transferred, discharged or graduates". See HAR § 18-235-1.09. Under the tax laws, questions of domicile and residence are questions of law and fact and depend on the individual's circumstances. See HAR § 18-235-1.08. If the foregoing meaning is attached to the term "permanent resident" as used in Article IV of the State Constitution, DNRM would not necessarily be excluded from the state's reapportionment base since consideration may be given to their intentions as well as other factors indicating the nature of their domicile or residence in this state.

On the other hand, words like "residence" may have different meanings depending on the context of their usage. Appeal of Irving, 13 Haw. 22, 24 (1900). If a court found the term "permanent resident" to be ambiguous based on the context of its usage, it could consider: (1) the legislative history of H.B. 2327 which proposed the permanent resident reapportionment base;

(2) the Fact Sheet as it pertains to the intentions of the voters adopting the permanent resident reapportionment base; and (3) the objects sought to be achieved or the evils to be avoided by the 1992 constitutional amendment changing the reapportionment base to permanent residents. The legislative history of H.B. 2327 is sparse. However, the Senate Standing Committee Report on H.B. 2327 can be read as indicating an intention to adopt the permanent resident base selected by the 1991 Reapportionment Commission. The 1991 Reapportionment Commission's permanent resident base excluded the DNRM. As noted above, the Fact Sheet can be read as indicating that the permanent resident reapportionment base would exclude the DNRM. However, it should be noted that there is little evidence as to how widely the Fact Sheet was distributed and how many voters read it before voting. With respect to the objects sought to be accomplished by the 1992 constitutional amendment, various documents and court cases show that Hawaii has historically sought to exclude the military and their dependents from the reapportionment base because of fears that the large and fluctuating military population in Hawaii could distort legislative representation, i.e., that reapportionment could be distorted if a large military population happened to be in Hawaii during a census year due to unusual military circumstances, and that much of Hawaii's military population is concentrated in a few Oahu districts. While the military population is a smaller percentage of the total Hawaii population than it has been in the past, it is still a significant component of the total population, could fluctuate in the future, and appears to be concentrated in certain areas of Oahu. Based on the foregoing, a court could find that "permanent resident" as used in Article IV of the State Constitution is meant to exclude the DNRM from the reapportionment base.

At this time, the law is not sufficiently clear to state that the Commission would necessarily be violating the State Constitution by including the DNRM in its reapportionment base. We cannot say that the term "permanent residents" will be defined by a court to exclude the DNRM. Cf. Longway v. Jefferson County Bd. of Sup'rs, 628 N.E.2d 1316 (N.Y. 1993) (New York Court of Appeals holds that reapportionment base statutorily defined as "residents, citizens, or registered voters" did not necessarily exclude military personnel, incarcerated felons and occupants of group homes); Hickel v. Southeast Conference, 846 P.2d 38, 54-56 (Alaska 1992) (even though Alaska Constitution provided for reapportionment on basis of civilian population, Alaska Supreme Court upheld Governor's and Reapportionment Board's decision to use total population base due to lack of reliable data on non-resident military in Alaska). However, the Commission may wish to give due consideration to excluding DNRM from its reapportionment base. Such an exclusion appears to be in accordance with historical state policies, the precedents adopted by prior reapportionment commissions, and possibly the intention of the legislature and voters who approved the 1992 constitutional amendment. As discussed below, while the exclusion of DNRM may be subject to challenge under the Federal Constitution, there is court precedent that can be used to support such an exclusion.

Before discussing the Federal Constitution as it pertains to reapportionment bases, the Commission raised a question as to whether or not it had discretion to include or exclude DNRM.

from the reapportionment base. If the inclusion or exclusion of DNRM is held to be a constitutional or purely legal issue, Hawaii courts would probably hold that the Commission had no discretion to decide that issue and would grant no deference to the Commission's decision. Ka Pa'akai O Ka'aina v. Land Use Com'n, 94 Hawai'i 31, 41, 7 P.3d 1068 (2000). Based on the law applicable to executive administrative agencies, if the issue were considered to be one of fact, a mixed question of law and fact, or an administrative interpretation of a broad and unclear legislative mandate, a Hawaii court might grant some discretion and deference to the Commission. Southern Foods Group, L.P. v. State of Hawai'i, DOE, 89 Hawai'i 443, 452-453, 974 P.2d 1033 (1999); In re Water Use Permit Applications, 94 Hawai'i 97, 144-145, 9 P.3d 409 (2000). In this case, it is unclear whether the decision to include or exclude DNRM involves constitutional or purely legal issues. In addition, it is unclear as to whether the Commission would be treated with the same deference as executive administrative agencies since it differs in many respects from such agencies. Thus, while the Commission should make sure that its decision is not arbitrary or capricious, and is supported by substantial and reliable evidence in the record, the Commission should not count on its decision being deferred to by Hawaii or Federal courts. Cf. Hickel v. Southeast Conference, 846 P.2d at 54-56 (Alaska Supreme Court upholds Governor's and Reapportionment Board's decision to use total population versus civilian population base because Governor's and Reapportionment Board's decision was rationally based and was made after a "hard look" at alternatives).

Finally, based on the current state of the law, we cannot say that the inclusion or exclusion of DNMR would violate the Federal Constitution. While it could be argued that the inclusion of DNRM in the reapportionment base dilutes the votes of persons in legislative districts without substantial numbers of DNRM, we are unaware of any federal decision that has found the use of a broader versus a narrower reapportionment base to be unconstitutional. In this respect, the majority decision in Garza v. County of Los Angeles, 918 F.2d 763 (9th Cir. 1990) indicated that the use of a "total population" reapportionment base might be required by the Equal Protection Clause of the Federal Constitution since the purpose of redistricting is not only to protect the voting power of citizens but also to ensure equal representation for equal numbers of people regardless of their ability to vote. Id at 774-775. In addition, despite the fact that the Alaska Constitution provided for reapportionment based on "civilian population", the Alaska Supreme Court upheld the use of a total population reapportionment base against claims that such would violate the equal protection clause of the Alaska Constitution by diluting the votes/representation of residents of districts without large military population. Hickel v. Southeast Conference, 846 P.2d at 54-56; See also Longway v. Jefferson County Bd. of Sup'rs, 628 N.E.2d at 1318 (New York Court of Appeals notes that tendency to include rather than exclude classes of persons for apportionment purposes appears to be the preference under federal constitutional law).

Similarly, it can't be said that the exclusion of DNRM would clearly violate the Federal Constitution. While the Garza decision indicated that total population should be the basis for

Mr. Wayne Minami, Chairperson
August 9, 2001
Page 6

reapportionment, other federal courts have held that the states should be allowed to select reapportionment bases conducive to their own particular circumstances. Daly v. Hunt, 93 F.3d 1212, 1225 (4th Cir. 1996); Chen v. City of Houston, 206 F.3d 502, 526-528 (5th Cir. 2000). Further, the exclusion of non-resident military and their dependents appeared to be satisfactory to the United States Supreme Court in Richardson v. Burns, 384 U.S. 73 (1966), and the United States District Court for the District of Hawai'i in Travis v. King, 552 F.Supp. 554 (1982) (the 1991 Reapportionment Commission's Final Report indicated that the reapportionment plan approved by the District Court excluded non-resident military and their dependents). In addition, at least one court outside of Hawaii has approved the exclusion of non-resident military and their dependents from a reapportionment base. Carpenter v. Hammond, 667 P.2d 1204 (Alaska 1983) appeal dismissed 464 U.S. 801 (1983) citing Groh v. Egan, 526 P.2d 863 (Alaska 1974).

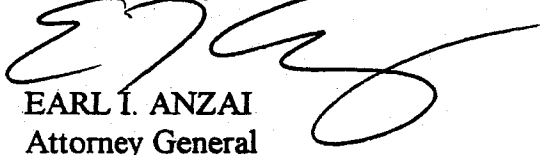
Notwithstanding the foregoing, if the Commission decides to exclude DNRM from the reapportionment base, the Commission should understand that the exclusion may be subject to challenge under the Federal Constitution. As noted above, the Garza decision indicates that a total population base should be used for reapportionment even in state or county districting. In addition, a DNRM could claim that the wholesale exclusion of DNRM from the reapportionment base – without any chance for individual DNRM to prove that they are permanent residents – violates the Equal Protection Clause. Davis v. Mann, 377 U.S. 678, 691 (1966) (court notes that discrimination against a class of persons such as the military, merely because of their employment, is constitutionally impermissible); cf. Saenz v. Roe, 526 U.S. 489 (1999) (holding that one component of the constitutionally protected right-to-travel and the Fourteenth Amendment is the right of any United States citizen to become a citizen of any State of the Union, by bona fide residence therein, with the same rights as other citizens of the State).

Very truly yours,



Brian Aburano
Deputy Attorney General

APPROVED:



EARL I. ANZAI
Attorney General

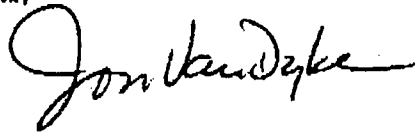
JON M. VAN DYKE
Professor of Law
William S. Richardson School of Law
UNIVERSITY OF HAWAII AT MANOA
2515 Dole Street
Honolulu, Hawai'i 96822
Tel: 808-956-8509
Fax: 808-956-5569
Email: jvandyke@hawaii.edu

August 9, 2001

To Reapportionment Commission Chair Wayne Minami
Fax Number 587-3905

I would be grateful if you could distribute the attached memo to the members of the Reapportionment Commission.

Thanks,





JON M. VAN DYKE
Professor of Law
William S. Richardson School of Law
UNIVERSITY OF HAWAII AT MANOA
2515 Dole Street
Honolulu, Hawai'i 96822
Tel: 808-956-8509
Fax: 808-956-5569
Email: jvandyke@hawaii.edu

August 9, 2001

To the Hawai'i State Reapportionment Commission:

This short memorandum is written to assist the Commission in deciding which population base to utilize in determining how to draw Hawai'i's election districts. Of specific concern to the Commission is the question whether it is appropriate and/or mandatory to try to remove the members of the U.S. military who are not residents of Hawai'i and their dependents from the population base utilized by the Commission.

The courts have given reapportionment commissions some leeway in determining the appropriate population base to utilize, so long as the choice made by the commission is rational in light of community concerned. In the leading case of *Burns v. Richardson*, 384 U.S. 73, 92 (1966), involving an early reapportionment plan in Hawai'i, the U.S. Supreme Court said that the choice whether "to include aliens, transients, short-term or temporary residents, or persons denied the vote for conviction of crime in the apportionment base...involves choices about the nature of representation with which we have been shown no constitutionally founded reason to interfere." The Supreme Court explained that the blanket exclusion of all military personnel from an apportionment base would be unconstitutional, but has characterized a decision to exclude nonresident military as a "constitutionally permissible classification." *Id.* at 92 n. 21 (citing *Davis v. Mann*, 377 U.S. 678, 691 and *Carrington v. Rash*, 380 U.S. 89). A federal court subsequently ruled that it was constitutionally permissible for Hawai'i to use the list of registered voters as its apportionment base rather than the federal census material. *Burns v. Gill*, 316 F.Supp. 1285, 1294 (D.Hawai'i 1970).

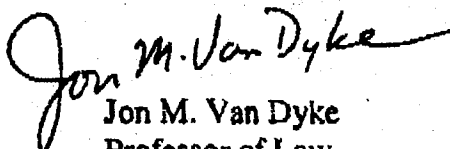
In 1992, Article IV, Section 4 of the Hawai'i Constitution was amended to instruct the Reapportionment Commission to utilize "the total number of permanent residents" as the apportionment base. This change was apparently introduced to exclude nonresident military and their dependents from being counted in the base. An Alaska decision, *Egan v. Hammond*, 502 P.2d 856 (Alaska 1972), has upheld a similar approach as constitutional, but only if the number of nonresident military and their dependents can be determined in a reliable fashion. After appointing a Master who concluded that the determination of residency of military personnel was "a highly subjective and arbitrary process," *id.* at 888, the Alaska Supreme Court ruled that nonresident military personnel and their dependents could not be excluded from the population

base in a manner that was reliable enough to meet constitutional requirements. Twenty years later, the Alaska Supreme Court ruled that exclusion of nonresident military personnel and their dependents "is not constitutionally required if it is not possible to accurately identify those military personnel who are non-residents." *Hickel v. Southeast Conference*, 846 P.2d 38, 55 (Alaska 1992). In that case, the Court concluded that the advisory reapportionment board had acted rationally and constitutionally in deciding not to exclude the nonresident military personnel and their dependents, because the residency data for the military personnel was not available in a reliable format. *Id.* at 56.

The question for Hawai'i's Reapportionment Commission is thus whether it is possible to achieve Hawai'i's constitutional goal of utilizing "the total number of permanent residents" in a manner that is sufficiently reliable to avoid discriminating against military personnel as a class. It is necessary for the Commission to examine the various data sources regarding the military personnel and their dependents to see whether they are sufficiently reliable, in relation to the census data. If the nonresident military personnel and their dependents can be excluded in a reliable and fair manner, i.e., to the same level of precision used to identify other portions of the population base, the Commission is required by the Hawai'i Constitution to do so. If, however, the Commission determines, after evaluating alternative means of identification, that this process of exclusion cannot be conducted in a fair and reliable fashion, then the Commission should utilize the census data covering the total population.

I hope this analysis is helpful. Please let me know if I can assist in any other manner.

Sincerely yours,


Jon M. Van Dyke
Professor of Law

Military and Dependent Data Set

Prepared by: David J. Rosenbrock, State Project Manager

Royce A. Jones, Project Manager, Environmental Systems Research Institute

Sherry Amundson, Project Manager, Maptech

Prepared For:

2001

Reapportionment Commission

August 9, 2001



Data to Support Calculation of the Non-Resident Military Population

Data source. The State of Hawaii obtained military population figures from the Defense Manpower Data Center (DMDC) in Monterey, California. DMDC is a U.S. Department of Defense agency for the joint benefit of all four military departments. For the Hawaii Reapportionment and Redistricting Project, DMDC compiled data from the military DEERS file, which is a personnel file describing all military Sponsors and their Dependents. The acronym stands for Dependent Eligibility Enrollment Reporting System.

Population. There is a separate record in the file for each Sponsor and each Dependent. The dependents are broken down into the following categories:

- Spouses
- Children
- Parents
- Ex-spouses

Aggregated by zip code. Due to Freedom of Information Act constraints to protect the privacy of individuals, DMDC could not break down the military population into census blocks or even into streets. The smallest geographic area that they could use was the zip code.

Duty Address vs. Residence Address. There is a Duty Address and a Residence Address listed for each Sponsor. There is only a Residence Address listed for the Dependents. All addresses include a zip code. The Duty Address is the address where the Sponsor is stationed. It is kept current by the Military, updated at the end of every month. If a Sponsor is reassigned to a new location, the file picks it up right away. The Residence address of Sponsors and of Dependents is not always current because it is updated by the Sponsors and Dependents themselves. They have to bring it up to date when they need to get medical attention. DMDC suggests that there is, on average, a three-month lag between the time that the Duty Address is updated and the time that the residence address is updated. The effects of this lag will be covered under the discussion on the data compilation.

Meaning of the Addresses. Usually the zip code of the Duty Address is some special "Federal" zip code that is assigned to the Base for internal mail delivery. It does not have a geographic extent. A Hawaii Duty Address indicates that a sponsor is actually in Hawaii, but it does not indicate exactly *where* he or she lives. A Residence Address does tell where the sponsor lives, but it may not be current.

Dependents do not necessarily live with their Sponsor. Dependents of a Sponsor may or may not have the same Residence zip code as the Sponsor. A divorced spouse might live across town. Any Dependent might live in another state. If the Sponsor is temporarily stationed in Hawaii, the Dependents might not have moved here at all.

Data Compilation Provided by DMDC

The population that was included. First, DMDC established the *Subject Population*. It included all military Sponsors and Dependents of Sponsors where

- the Sponsor's Duty Address was in Hawaii on March 31, 2000 (the Sponsor was here at the time)
- the Sponsor paid their state taxes in one of the other 49 states (the Sponsor was not a Hawaii resident)

How the population was broken down. Second, DMDC tallied the Subject Population by zip code. For each zip code, they calculated the total population and broke it down by category: Sponsors, Spouses, Children, Parents and Ex-Spouses. The result was put into a spreadsheet with a row for each zipcode and a column for each population category.

Percent out-of-state Sponsors. DMDC provided a second spreadsheet for Sponsors who do pay state taxes in Hawaii, indicating that they are Hawaii residents. Comparing the two spreadsheets, we can see the proportion of Sponsors that are non-resident:

	Count	Percent
Non-Resident Sponsors	37,417	98.375%
Resident Sponsors	618	1.625%
Total	38,035	100.000%

Number of out-of-state Dependents. DMDC did not provide state-of-residence information for Dependents. This problem also existed ten years ago when the non-resident military population was processed for the 1991 Reapportionment Plan. At that time, the state of residence of a Dependent was considered to be the same as the state of residence of their Sponsor. In keeping with this precedent, all Dependents included on the non-resident spreadsheet could be considered to be non-residents.

Effects of the 3-month lag between Duty Address and Residence Address. If a Sponsor arrived in Hawaii just recently, their Residence Address might still be listed as their old mainland zip code. This is due to the lag. Of the 37,417 Sponsors in Hawaii, 9,135 of them still show a mainland Residence zip code. We know these people have moved to Hawaii, but the data doesn't show *where* they live in Hawaii. We had to use a formula to distribute them among the Hawaii zip codes.

Data for Dependents is less accurate. If a Dependent arrived in Hawaii just recently, their Residence Address might still be listed as their old mainland zip code. This would be due to the lag. Of the 53,261 Dependents, 13,108 of them show a mainland Residence zip code. But this figure is less accurate than the mainland Sponsor figure. The file includes all Dependents of Hawaii Sponsors, *whether or not the Dependents accompanied the Sponsor to Hawaii*. Some Dependents with a mainland zip code could actually be on the mainland. The 13,108 figure is inflated because it includes these actual mainlanders. The problem is that we don't know how many of them are really in Hawaii.

Calculation of Non-Resident Military Sponsor Counts by Census Block

The following basic steps were used to distribute non-resident Sponsors from the zip codes into the census blocks.

- **Distribute 'mainland' sponsors** (whose Residence Address is still listed as being on the mainland because of the lag). First find the percent of the non-resident Sponsors that falls in each zip code. Then, for each zip code, add in that same percent of the mainland Sponsors.
- **Fill military Bases first.** For all census blocks inside military bases, assume that the entire population is military. Based on the DMDC data, calculate the percent of the military population that is non-resident Sponsors, and take this percentage of the population of each military census block. This gives the number of non-resident Sponsors in each military census block.
- **Distribute the remaining sponsors to the off-Base housing areas.** Within the off-Base areas of each zip code, distribute the remaining sponsors proportionately according to the percent of the zip code's off-Base population that falls within each off-Base census block.

	Sponsors	Dependents					
		Total Dependents	Spouses	Voting- Age Children	Non-Voting- Age Children	Parents	Former Spouses
Non-Hawaii Zip Codes	9135	13,108	3,908	736	8,294	136	34
Hawaii Zip Codes	28,282	40,153	15,622	950	23,251	325	5
Total	37,417	53,261	19,530	1,686	31,545	461	39

Figure 1: Summary of Non-resident Military Population, March 31, 2000

Email submitted by Royce A. Jones, ESRI
to David Rosenbrock, Reapportionment Project Office on August 7, 2001.

Non-resident military dependents residing in Hawaii on March 31, 2000

1) DMDC is very confident that they have:

a) created a list of military sponsors whose duty address was Hawaii on March 31, 2000 and who paid state taxes outside of Hawaii.

b) provided us with the aggregated residence zipcodes of those sponsors.

c) provided us with the aggregated residence zipcodes of the dependents of those sponsors broken down by:

- dependent children
- dependent spouse
- dependent parents
- dependent ex-spouse

2) We have no reason to question the DMDC numbers nor their confidence in those numbers.

3) DMDC has not represented to us nor expressed to us any confidence that the dependents reported under 1c above were actually residents in Hawaii on March 31, 2000, nor that these dependents did not pay state taxes in Hawaii.

4) We cannot assume that all the dependents reported under 1c above are "non-resident military dependents residing in Hawaii on March 31, 2000". Some of them, particularly those with mainland zipcodes, may not have been in Hawaii on March 31, 2000, and may have never accompanied their sponsor to Hawaii. Others with Hawaii zipcodes, may be permanent residents of Hawaii, even though their sponsor claims residence outside of Hawaii.

5) The numbers provided by DMDC under 1c describe the total number of dependents of "non-resident military sponsors residing in Hawaii on March 31, 2000". The numbers do not tell us whether or not those dependents ever moved to Hawaii. The numbers do not tell us whether or not those dependents do or do not claim permanent residence in Hawaii.

6) Given the DMDC numbers:

a) we can say that there were 37,417 non-resident military sponsors residing in Hawaii on March 31, 2000.

b) we can say that those sponsors had 53,261 dependents on March 31, 2000, including spouses, children, parents and ex-spouses.

c) we cannot say how many of those dependents were in Hawaii on March 31, 2000.

d) we cannot say how many of those dependents claimed Hawaii residency.

7) Therefore we cannot say how many non-resident military dependents were residing in Hawaii on March 31, 2000.



Military Acknowledgment of Dependents

These notes describe the eligibility requirements for a person to be recognized as a military dependent by the military, and the circumstances under which they would be included in the DEERS file. We have obtained the following information from the Personnel Support Detachment, ID Records Processing Division at Pearl Harbor Naval Base.

The DEERS file is used to determine that Sponsors and dependents are eligible for 1) medical benefits and 2) the issuance of an ID card that can be used to make certain kinds of purchases. Once a person is first deemed eligible, their record in the DEERS file is permanent. However, their "eligible" status in the file expires after four years. It must be renewed on expiration in order to be retained.

Initiation of eligibility. In order for people to be recognized as dependents in the DEERS file, their sponsors must present verifying documentation to the Personnel Support Detachment (PSD) on their base. The documentation must verify that the person is a dependent of the sponsor, using birth certificates for children and marriage certificates for spouses. Parents may be declared as dependents if it can be shown that they receive 100% or their support from the Sponsor. (The parents submit an application form, and a determination is made based on the information they provide on the form.) Former spouses that were married for at least 20 years are included for life or until remarriage. Former spouses that were married for at least 15 years are included for one year after divorce, or until remarriage if that comes sooner.

Termination of eligibility. Sponsors are required to report a divorce, and this would terminate the eligibility of most spouses. Children remain dependents of their sponsor until they reach the age of 21, regardless of whether they live with the sponsor, or whether the sponsor and spouse divorce. The eligible age is extended to 23 if they are a full-time student. (A waiver can be filled out for in-state tuition, but the student is still considered to be a non-resident). When someone dies, the sponsor is required to report the death. If no one voluntarily reports the termination of eligibility of a dependent, that dependent's eligibility will at least be terminated automatically when the current 4-year period expires.



Reapportionment/Redistricting Population Base Data Set

Prepared by: David J. Rosenbrock, State Project Manager

Prepared For:

2001

Reapportionment Commission

June 21, 2001



Population Data Set

In March 2001 the Census Bureau released unadjusted block data as the Official Census 2000 redistricting data set. This is known as P.L. 94-171 data files. P.L. 94-171 data files provide small-area census population totals from Census 2000 for the purpose of legislative redistricting as required by Public Law 94-171. The file has four tables:

- PL1. Total population by 63 race categories
- PL2. Total Hispanic or Latino population; not Hispanic or Latino population by 63 race categories
- PL3. Population 18 years and over by 63 race categories
- PL4. Total Hispanic or Latino population 18 years and over, not Hispanic or Latino population 18 years and over by 63 race categories.

Population Total: 1,211,537

Permanent Resident Population Exclusions

- **Sentenced Felons:**

Department of Public Safety, End of Month Population Report March 31, 2000, by facility location and can be assigned to specific census blocks.

Sentenced Felons Incarcerated: 1,416

- **Non-resident students:**

The students included in the count are paying the non-resident tuition at the various institutions. The exceptions are HPU, BYU and Chaminade University; they provided a list of students with their records showing a permanent residence

other than Hawaii. All students will be located by their local address and can be assigned to specific census blocks.

Non-resident Student Population: 10,679

- Aliens:

The Census Bureau 2000 P.L. 94-171 data set does not provide for the segregation of alien population figures. We have met with the Immigration and Naturalization Service and they indicated that they could not provide a report that would identify the entire alien population or the location of the alien population. This information could not be extracted from census blocks.

- Non-resident Military:

A request for data concerning non-resident military personnel assigned to units in the State of Hawaii was requested from the Defense Manpower Data Center WEST through local contacts at PACOM.

Total Non-resident Military Population: 32,566

Total Non-resident Military Dependents: 41,430

Total Non-resident Military and Dependents: 73,996

The date that the information was extracted is April 30, 2001. The data set was compiled by searching the Active Duty Pay File (the best source containing both State of Legal Residence and Duty Location State).

non-resident military personnel were identified as having a State of Legal Residence other than Hawaii, but Duty Station Located in Hawaii, and were matched by Social Security Number to the DEERS (Defense Enrollment

Eligibility Reporting System) Medical Point In Time extract, for the same time period, to identify their dependents.

Non-resident military personnel and dependents found in the DEERS file were displayed by their "derived" zip code, which is where DEERS holds the individual's, (e.g., non-resident military personnel or dependent) to actually live. The result contains some curiosities: several zip codes show large numbers of dependents but only a very small number of non-resident military personnel. It is assumed that the small number of non-resident military personnel is due to the possibility that the non-resident military personnel are listed under their unit zip codes, which in the case of the Navy for example, all fall in a block assigned to Fleet Post Office, San Francisco, CA.

The state's consultant is working with local commands to refine this artifact to produce numbers that more accurately reflect the Active Duty population physically present in Hawaii. The non-resident military personnel and their dependents are located by their local zip codes and can be assigned to specific census blocks.



**STATE OF HAWAII
1991 REDISTRICTING**

TECHNICAL DOCUMENTATION

**SOCIAL SCIENCE RESEARCH INSTITUTE
UNIVERSITY OF HAWAII AT MANOA**

SEPTEMBER, 1991

3. MILITARY

3.1 CONCEPTUAL BACKGROUND

3.1.1. Total Population vs. Adjusted Population

The concept of using Total Population data to redistrict the State Legislature has always been questioned because of the high percentage of military on the island of Oahu. This figure has fluctuated in the 10-15% range since 1980. The military population has been concentrated in the Pearl Harbor, Waipahu-Ewa, Schofield, and Kaneohe areas. The considerably dilutes the representation by legislators from these particular areas resulting in a situation where the legislators represent a significantly smaller number of voters than other areas.

While the use of Registered Voters compensates for this problem, Registered Voters have consistently been challenged as an appropriate population base for redistricting. This leads to the Adjusted Population base, which is defined as Total Population less Non-Resident Military.

3.1.2 Data Requirements and Availability

There was no available data file which would enable the: (1) identification of active military personnel; (2) determination of the ages of the military and their dependents; (3) identification of the place of residence to the 1990 Census Tract/Block level such that they could be subtracted from 1990 Census block level data to determine the number of non-resident military per block; and (4) identification of the state of legal residence to separate the non-resident military from the resident military.

Available current sources were large area samples and could not be used on areas smaller than state level or large areas within a county. These files were Health Surveillance (Department of Health), Current Population Survey (U. S. Census Bureau), and Survey of Income and Program Participation (U. S. Census Bureau).

3.1.3 Estimates of Military Population

Preliminary estimates of the military population were provided by the United States Pacific Command in "Military in Hawaii -- Statistical Information and Economic Impact, a brochure issued in 1988.

SERVICE	ACTIVES	DEPENDENTS	TOTAL
AIR FORCE	6,224	9,213	15,437
ARMY	18,802	25,221	44,023
COAST GUARD	1,101	910	2,011
MARINE CORPS	10,489	8,265	18,754
NAVY	12,099	22,847	34,946
TOTAL	48,715	66,456	115,171

These figures, which do not include shipboard personnel for the Navy, were used as guidelines to crosscheck the processing of data for the military.

3.2 OVERVIEW OF MILITARY PROCESSING

- (1) Contact the Commander-in-Chief, Pacific (CINCPAC) for assistance in the getting required data from the respective services and meet with representatives of the respective services to determine whether the required data were available.
- (2) For services with consolidated personnel databases, meet with personnel officers and/or computer specialists to arrange computer-readable transfer of available data items.
- (3) For the Army, coordinate with the Western Command (WESCOM) to administer a survey to collect required data from 27 commands on a sample basis.
- (4) Determine processing requirements to estimate missing data from each of the computer-supported services.
- (5) Fill in missing record data for computer-supported services.
- (6) Expand current data files to make up the difference between expected number of military vs. actual number in the files transmitted.
- (7) Assign Census Tract and Block designations to those with addresses; estimate the location of residence for those without addresses. For barracks personnel, assign the Census Tract and Block based on the ZIP or APO code.

3.3 DATA REQUIREMENTS

The data items needed for establishing the number of non-resident military and their dependents under 18 and 18 and above were:

Barracks or non-barracks resident

- . Family member number
- . Whether family member was Active Military or not
- . Date of birth or age
- . Street address: number, street name, street type, apartment or house number
- . State of legal residence

3.3.1 Definition of "Residence"

The definition of "state of legal residence" was a consistent problem over all of the services. Among the possible definitions relevant to active military personnel are: (1) state of legal residence; (2) state in which state taxes are paid; (3) state of entry into the service; (4) state in which the active serviceperson votes; and (5) state the active service person wants to be shipped upon termination from the service.

The declaration of residency for the state of Hawaii is also problematic. In essence, the qualification of residency for Hawaii can be satisfied by payment of State taxes, voting, or simply by virtue of having lived here for a period of time. The definition is difficult to operationalize given the data available.

There is no way to trace the state in which the person votes, if they do at all; similarly, residence for a period of time neither establishes residency nor disconfirms it.

Residency appears to be either a matter of convenience or a matter of personal benefit. If anything, residency would tend to be overestimated. The following conditions are noted: (1) Hawaii residents claiming residency elsewhere because of lower or no state taxes while their families are living here; and (2) claiming of residency by service personnel for the purpose of obtaining in-state tuition at the University of Hawaii or the Community Colleges but who vote and pay taxes elsewhere. This is similar to college students from Hawaii establishing residency in other states in order to qualify for in-state tuition rates. Since the number of non-resident military is greater than the number of resident military, it would appear that the number of persons unofficially claiming residency in Hawaii would be greater than Hawaii residents in the military claiming residency elsewhere.

The entire question residency is characterized by a lack of a consistent rule to apply. In the end, the only common item within the files of the various services was the state in which they paid their state income tax, which is needed for payroll purposes. The state in which active military personnel paid their taxes was used as the state of residence for the Air Force, Coast Guard, Marines, and Navy. Army personnel, whose data was gathered by a survey rather than being extracted from a file, were asked for their "state of legal residence."

3.3.2 Residence of Dependents

No information on the state of residence of dependents was available. Since it is reasonable to expect that dependents would follow the active military upon discharge from the service, their state of residence was considered the same as the active person in the family.

3.3.3 Age of Dependents

For redistricting purposes, the only interest in age was whether the active person and the dependents were age 18 and over or not. The age of spouses was not available in the files received from the Air Force. No information of the age of dependents was available from the Navy. The rationale and procedures for estimation of these ages is discussed under section 3.4, **GENERAL ESTIMATION PROCEDURES**.

3.3.4 Multiple Actives within One Family

The indication came from Army data. This information did not exist for the rest of the services. The Army data showed that the percentage of an active person having a spouse also in the service was less than 1 in 500. This was inconsequential enough to ignore.

3.3.5 Addresses

The original plan for the addresses was to parse the street numbers and street names into separate fields for matching against the Address Matching file. Several problems were encountered, the most difficult of which were:

- . placement of barracks residents
- . no addresses
- . erroneous street names
- . mainland addresses
- . erroneous zips

The files that were produced by the Air Force, Marines, and Navy contained ZIP or APO codes without addresses for barracks residents. From the ZIP or APO codes, the base could be identified and the population subsequently placed in the correct Census Tract and Block.

The data from the respective services also contained a substantial number of records without addresses. The primary reason was that personnel had recently arrived and had no local address available at the time the file was extracted.

There were also numerous occurrences of misspelled street names. In most cases, the residence address could be deduced by the ZIP code and close spelling in the areas near the respective bases. In other cases, the residence had to be classified as unknown and distributed manually or statistically.

In some cases, the addresses in the file were mainland or international addresses and had to be considered unknown. For unknown ZIP codes with no local addresses, the place of residence was considered unknown.

3.4 GENERAL ESTIMATION PROCEDURES

The incomplete information of the data from the services left several areas to be estimated from known data or from statistical procedures. The following data items needed estimation:

- . Age of Spouse for the Air Force and the Navy
- . Age of Dependents for Navy
- . Estimation of Local Addresses
- . Insufficient Counts in the Files from the Services

The general procedure for estimating the missing data is specified here, with service-related details discussed in the following sections.

3.4.1 Estimation of the Age of Spouse

The age of spouses were not available in the files from the Air Force and the Navy. The only significance in the age of the spouse for the purpose of redistricting is whether they were 18 or not. The age of the spouse was assumed to be the same as the age of the active service person. The reasoning was based on the rule that one of the requirements for joining the service was being 18 or older.

Several deviations from this age requirement were noticed, but the number was not significant. Spouses were generally the approximate age of the active service person. Examination of Army data indicated that the number of spouses below age 18 for active military 20 or under was less than two-tenths 1%. In the overall military population, the percentage of spouses under 18 was insignificant.

3.4.2 Estimation of the Age of Children and Other Dependents

As in the case of spouses, the age of dependent children living with the active service person in Hawaii was critical only insofar as they were under 18 or 18 and over. Ages of children were provided for all services except the Navy. To estimate the age of the children of active Navy personnel, Army statistics were used.

Army family composition was analyzed by age of active person and family size. The average number of non-spouse dependents over 18 was determined for each age of the active military person from 18 through 64 for family sizes of 2 through 6 and 6 and above. The appropriate number of dependents over 18 was then inserted into the records of active Navy persons with matching ages and family sizes.

In a small number of cases, dependents other than children were found in the families of the active service person. These were assumed to be parents or other adults. The percentage of these was extremely small.

3.4.3 Estimation of Local Addresses

The files from the services contained a substantial number of cases with no local addresses, due ostensibly to recently assigned personnel or personnel in transit. Other related problems, discussed below, were the concentration of the Army sample and a discrepancy between the counts of persons reported by the respective services and the Census Bureau for the same geographic areas.

To estimate the residence of the service personnel with unknown addresses, the distinction between bachelors and families was critical. Census data from the PL 94-171 file provided the counts for Total Population and population 18 and over. To insure that the estimated military counts for Census Tracts and Blocks would conform to Census figures, the placement of persons with unknown addresses was done on a block basis. The criteria for placement of military personnel was that the Census counts for the total number of persons and the number of persons 18 and over for any block could not be exceeded.

The priority order for placement was first, to fill the military base(s) for the branch of service; second, to fill off-base military housing complexes for the branch of service; and third, to place the personnel in the surrounding community, based on areas in which service personnel with known addresses were already residing. This eliminated the possibility of randomly placing military personnel into extremely high cost areas and areas of predominantly local populations.

3.4.4 Insufficient Counts in Files from the Services

The number of active military and dependents were initially provided by the respective branches of service. The files received were short of these counts due to new arrivals whose records had not yet been updated in the personnel files. Except for the Coast Guard, which provided a 100% count, and the Army, which was sampled and weighted to meet the expected count, the files were adjusted to the figures provided by CINCPAC.

The adjustment was handled manually based on the following statistical premises: (1) that the missing actives and dependents had characteristics similar to those already in the file; and (2) that the missing actives and dependents would fit into the framework of counts established by the Census Bureau.

The method used for making up the insufficient counts was: (1) to duplicate all of the records in the current files for each of the branches; (2) to select records to fit the numeric criteria established by Census Bureau counts up to the limit of the shortfall; and (3) to place these into blocks according to the procedures described in 3.4.3 above.

3.5 SPECIFIC PROBLEMS AND RESOLUTION

Each of the services except the Coast Guard had an unique set of circumstances which required independent resolution.

3.5.1 Air Force

The Air Force was able to produce computer-readable files for most of the information required.

The only missing item was the age of the spouse. This was resolved by equating the age of the spouse to the age of the active service person on the assumption that the ages would be similar. The only effect pertained to married active personnel who were 18 or near 18 with spouses living in Hawaii. Statistics from Army data indicate that only two-tenths of 1% of married actives under age 20 had spouses under 18. It was therefore reasonable to assume that equating the age of the spouse to the age of the person on active duty would yield the desired break between those under 18 and those 18 and over.

3.5.2 Army

Unlike the other services, the Army in Hawaii is organized by commands, i.e., functional groupings. The Western Area Command (WESCOM) at Fort Shafter is the primary Army organization and coordinates the activities of 8 major groups, ranging in size from the 11,000-member 25th Infantry Division at Schofield to the 13-member 9th Corps at Fort DeRussy. There are 19 other commands, covering organizations like Tripler Army Medical Center and the Recruiting offices.

Consistent with the "stovepipe" command structure, there was no centralized database containing the home addresses of 18,800 actives and their dependents. Further, at any one time, it was highly unlikely that all Army personnel assigned to

Hawaii units would be in the islands. At the time that the Census was taken, 5,000 troops were away on maneuvers.

Given these characteristics of the Army and considering the options available, it was determined that a weighted sample of Army personnel would produce the most accurate file of actives and their dependents for the purposes of redistricting. After a survey form and a sampling frame were developed, WESCOM coordinated the distribution and collection of questionnaires among all 27 commands. A copy of the survey form is found in the Appendix.

The sampling frame for each of the commands was based on:

Units with fewer than 100 personnel	100%
100-999 a	60%
1,000 - 4,999	50%
5,000 - 10,000	40%
Over 10,000	30%

Since one-third of the 25th Infantry Division was expected to be out of the state during the data collection period, a 40% sample was taken to ensure an adequate return.

The sampling frame resulted in an expected survey count of approximately 7,350. Some of surveys were unusable because of illegible addresses, non-Hawaii addresses, and non-existent ZIP codes.

Following editing and data entry, the Army data was statistically analyzed and weighted accordingly to compensate for: sample weight, family size, and geographic distribution.

In the sample weight computations, the number of surveys received was weighted to reflect the full personnel complement for each of the commands. For a command with a 30% response rate, the file was duplicated 3.33 times to bring the number of military and dependents to the full expected count.

The process was not straightforward. Because the various commands were in charge of the distribution of survey forms, there was no control over the stratification of the sample with respect to bachelors and sizes of families. In the 25th Infantry Division, for example, an entire barracks was surveyed. This had the subsequent effect of concentrating a heavy bachelor population in one small area, to the detriment of the family sample. The distribution of records had to be weighted again to reflect fewer bachelors and more families. The family

composition was weighted such that the average active-to-dependents ratio from CINCPAC data for the Army was maintained.

Referring to the problem of matching Census Bureau block counts discussed in 3.4.3 and 3.4.4, the data files had to compensate for the sampling distribution of bachelors and families versus the Census counts of total population and 18-and-over population. This could be deduced by whether the Census counts indicated a high 18-and-above to total-population ratio or not. The higher the percentage of the 18-and-above age group, the higher the probability of a singles area. If the sampling distribution approached the Census limits, adjustments to move bachelors into high ratio areas and families into low ratio areas were carried out.

3.5.3 Marines

The Marines were able to provide all requested data for their active personnel and dependents. The major problem encountered in the processing of the Marines was the large number of missing addresses. By prior agreement with the Marines' personnel staff, on-base residents needed only ZIP codes to identify the Census Tract and Block of their place of residence.

The number of records without addresses, however, exceeded the number that could be housed on base quarters. After adjusting for bachelors and families, the remainder were distributed into the surrounding community according to procedures described in 3.4.3.

3.5.4 Navy

The Navy file had several major problems that made it the most difficult of all of the services to reconcile:

- . no ages for spouses or dependents
- . shipboard personnel who were not counted in the Census
- . high numbers of personnel without addresses

The age problem was resolved through procedures described in 3.4.2.

The classification of whether Navy personnel were land-based or ship-based was critical to the correct counting of the service. The Census count of persons aboard all commercial and military vessels was conducted separately from the Hawaii population. The Census Bureau was vague on how military personnel aboard ships were counted.

By the Navy's definition, all persons aboard ships are counted as part of the base to which the ships are assigned. All land-based personnel, submariners, and active personnel with families ashore are considered land-based. Single persons and geographic bachelors (i.e., married persons with families not in resident Hawaii) aboard ships are considered ship-based. The Navy files contained land-based personnel only. The rosters of all shipboard personnel are maintained on ship computers and were not available.

Though it could not be verified with the Census Bureau, the population counts for Hawaii did not appear to include shipboard personnel. The Census counts for Pearl Harbor and Barbers Point appeared to be low, even for land-based personnel. The approximately 11,700 personnel aboard ships were therefore not counted, either in the Census for Hawaii or in the Navy files.

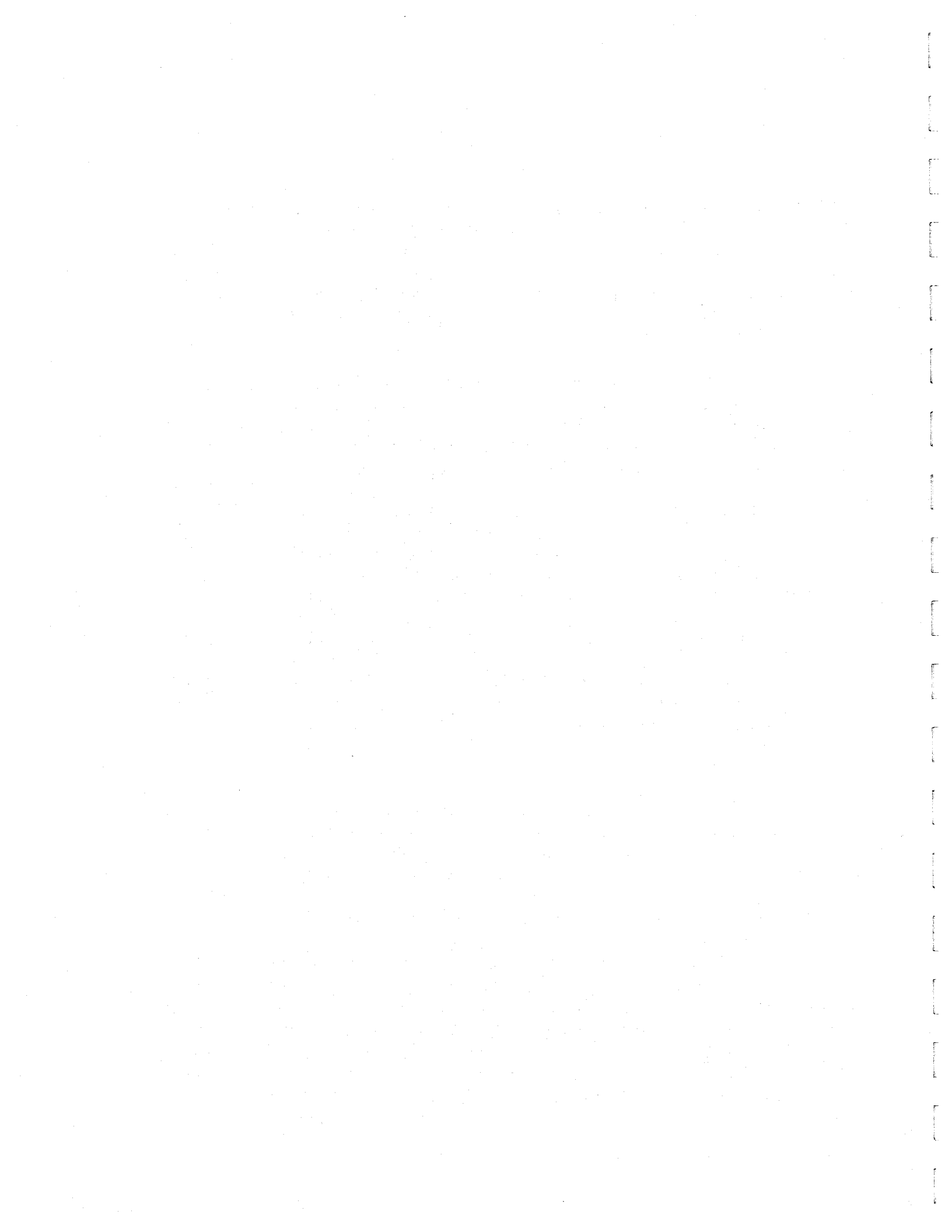
The ramification of the shipboard problem is whether any of the shipboard personnel were Hawaii residents. This became a moot point because shipboard personnel appeared to be treated as active military stationed elsewhere. They are counted as state residents for the purposes of the national reapportionment but do not appear in the state counts because they have no local addresses.

High numbers of personnel without addresses were a problem in that they could not be assumed to be base residents. This was evident by the fact that the base population counts and nearby military housing counts were exceeded before the non-address actives and dependents could be fully placed. A substantial number of Navy personnel were therefore distributed into the surrounding community.

3.6 FILE INTEGRATION

In preparation for merging the military data with PL 94-171 counts, the files for the individual services were combined and totaled by Census Tract and Block. For each Block, Total Military, Military over 18, Resident Military, and Resident Military over 18 were computed. Final adjustments were made to ensure that the number of military and dependents over 18 preserved enough of the population to allow Registered Voter counts to fall within the available remaining population.

The final counts of the military population are found in the appendices. These counts are within 1-2% of the figures released by the Department of Business and Economic Development. The differences between the counts estimated by the branches of the service and DBED are partly definitional and partly the result of using different sources for estimation. The data for redistricting followed the data files provided by the branches of the service more closely because of the need to link the data with specific Census Tracts and Blocks.



**MINUTES OF THE
TENTH REGULAR MEETING OF THE
2001 REAPPORTIONMENT COMMISSION**

**October 4, 2001
2:00 p.m.**

**Hawaii State Capitol
Room 329
Honolulu, Hawaii**

Commissioners in Attendance:

Mr. Wayne K. Minami, Chairperson
Mr. Deron K. Akiona
Ms. Jill E. Frierson
Ms. Lori Hoo
Mr. Shelton Jim On
Mr. Lynn C. Kinney
Mr. Kenneth T.G. Lum
Mr. David Rae

Advisory Council in Attendance:

Mr. Stephen Goodenow, Oahu
Mr. Jim Hall, Oahu
Ms. Geal Talbert, Oahu
Ms. Georgine Busch, Hawaii
Mr. Wayne Metcalf, Hawaii
Mr. Frank Jung, Hawaii
Ms. Shirley Spencer, Hawaii
Mr. Fred Rohlfing, Maui
Ms. Madge Schaefer, Maui
Mr. Dennis Esaki, Kauai

Technical Support Staff in Attendance:

Mr. Dwayne D. Yoshina, Office of Elections
Mr. David Rosenbrock, Office of Elections/Reapportionment Staff
Mr. Lawrence Chun, Office of Elections/Reapportionment Staff
Ms. Cynthia Fukunaga, Office of Elections/Reapportionment Staff
Mr. Strather Ing, Office of Elections/Reapportionment Staff
Ms. Keala Naluai, Office of Elections/Reapportionment Staff
Mr. Robynn Yokooji, Office of Elections
Mr. Rex Quidilla, Office of Elections
Mr. Scott Nago, Office of Elections

Minutes of the Tenth Regular Meeting of the 2001 Reapportionment Commission
Page 2

Mr. Brian Aburano, Department of the Attorney General
Mr. Aaron Schulaner, Department of the Attorney General

Observers Present:

Ms. Jean Aoki, League of Women Voters
Mr. Pat Omandam, Honolulu Star Bulletin
Ms. Lynne Matusow, Downtown Neighborhood Board
Rep. Chris Halford, House of Representatives
Mr. Kevin Dayton, Honolulu Advertiser
Mr. Bert Warashina, Senate Office
Ms. Shannon Wood, The Koolau News
Ms. Malia Schwartz, League of Women Voters
Ms. Brandi Lau, Representative Morita Office
Mr. Glen Takahashi, City Clerk Office
Ms. Joan Shinn, Representative Marumoto Office
Ms. Lokelani Laybon, Senate Minority Office
Ms. Linda Lingle, Hawaii Republican Party
Rep. Emily Auwae, House of Representatives
Mr. Randall Port, Senator Chun Office
Rep. Mina Morita, House of Representatives
Ms. Connie Herolaga, Representative Garcia Office
Mr. Bruce Dunford
Rep. Bertha Leong, House of Representatives
Sen. Cal Kawamoto, State Senate
Sen. Sam Slom, State Senate
Mr. Ken Fujinaga, Representative Hamakawa Office
Ms. Carina Tagupa, Senate Minority Office
Rep. Barbara Marumoto, House of Representatives
Ms. Karin Gill, Representative Schatz Office
Ms. Roberta Weatherford, Representative Leong Office

I. Call to Order

Chairperson, Wayne Minami, called the Tenth Regular Meeting of the 2001 Reapportionment Commission to order at 2:17 p.m. in Conference Room 329 of the Hawaii State Capitol, Honolulu, Hawaii.

II. Approval of Minutes

Commissioner Jill Frierson moved to have the minutes of the Ninth Regular Meeting of the 2001 Reapportionment Commission on August 9, 2001 approved. Commissioner Shelton Jim On seconded the motion. The motion was carried unanimously by the Commissioners in attendance.

PROCEEDINGS

III. Calculating by Basic Island Unit

Chairperson Minami explained that the spreadsheet attached to the agenda is a method of calculation that the Commission will use as the alternative way to calculate the deviations for using Basic Island Units instead of statewide deviation.

Mr. David Rosenbrock explained the process of the new alternative. The State of Hawaii is composed of four Basic Island Units that equate with the four counties in the state (Maui, Kauai, Hawaii, and Oahu). The Hawaii State Constitution calls for equal representation among the four counties (Basic Island Units) during the reapportionment process. In 1981 and 1991 the equality of representation was achieved through the use of canoe districts. The proposed 2001 reapportionment also uses canoe districts to achieve equal representation among the state legislative districts.

There has been significant public comment urging the commission to look at other ways to eliminate canoe districts and also asking it to abandon the 10% deviation standard that is required for the current plan. Traditionally the 10% deviation standard has been used twice, once for the House districts and once for the Senate districts. The process of under representation and over representation in a county needs to work in each county to totally eliminate canoe districts. (see information sheet and spreadsheet - attached as Appendix A)

Chairperson Minami stated that for purpose of discussion, he would like to move that the Commission authorize the Technical Committee to utilize the alternative method of calculating deviation by Basic Island Units. The motion was seconded by Commissioner Frierson. For Clarification, Commissioner Rae asked if the Technical Committee will be looking at the alternative method in addition to the maps that were published for public hearings. Chairperson Minami answered in the affirmative. The motion was carried unanimously by the Commissioners in attendance.

IV. Advisory Councils Testimony

A. Testimony by Mr. Steve Goodenow, Oahu Advisory Council Member

Mr. Goodenow mentioned that the Oahu Advisory Council has submitted its report detailing the Council's efforts to inform the public of the reapportionment process and making recommendations to the Commission for possible inclusion in its report to the Legislature.

1. By unanimous agreement, the Oahu Advisory Council, would like to thank the Office of Elections and the Reapportionment Project staff for their work.

Minutes of the Tenth Regular Meeting of the 2001 Reapportionment Commission
Page 4

2. They also thanked the Commission for recognizing that the Advisory Councils do have an important role in informing the public about the reapportionment process.
3. Recommendations:
 - a. The Hawaii Revised Statutes should better define the role of the Advisory Councils. The Councils should be brought in during the early part of the Commission's deliberations and meetings.
 - b. Public hearings should be set up in the beginning of the process to make the public aware and to inform them.
 - c. The number of support staff should be increased.
 - d. There should be more publicity about the Advisory Council meetings.
 - e. At least one neighbor island resident should be appointed to the Commission to represent the neighbor islands.

Mr. Goodenow expressed that the Oahu Advisory Council feels that the Commission did a fair and reasonable job by taking in all peoples' concerns into account.

B. Testimony by Mr. James V. Hall, Oahu Advisory Council Member

Mr. Hall submitted a chart that he developed based on the numbers involving East Honolulu and how it compares with West Honolulu. He compared the number of residents in the proposed districts by the adjusted populations that the Commission is using with the registered voter and voter-turnout numbers as provided by the Office of Elections. (see the chart - attached as Appendix B)

Commissioner David Rae asked Mr. Hall if the reason the voter turnout in East Honolulu is smaller than the voter turnout in West Honolulu could be due to the difference in the population of minors in the districts. Mr. Hall said that this is a possibility though his argument is that the reason for such a big difference is because of the military population in West Honolulu. Commissioner Rae asked if there could be other variables that would cause the big difference in voter turnout. Mr. Hall agreed noting that older people tend to vote more than younger people, more established districts tend to have more children than newer districts, and people in higher income brackets tend to vote more than those in lower income brackets.

C. Testimony by Ms. Madge Schaefer, Maui Advisory Council Member

Ms. Schaefer came before the Commission to thank them for attending the public hearings in Maui and to hear their voices. She asked the Commission to reconsider the population base and exclude the dependents of non-resident military.

Commissioner Rae thanked Ms. Schaefer for her understanding and graciousness to the Commission. Commissioner Rae commented that having this kind of dialogue is a representation of Democracy in this country and is amazing.

Chairperson Minami pointed out that per the Commission's legal counsel, the Commission cannot take action on Ms. Schaefer's request because such a motion is not on the agenda for today's meeting, and according to public meeting law, decision-making has to be on the agenda. Chairperson Minami said that the issue will be on the agenda for next week's meeting.

V. Public Testimony

A. Testimony by Ms. Lynne Matusow

Ms. Matusow stated that even though the numbers may work for the alternative calculation, there is the issue of where the lines go and if they would work or not. When drawing the new districts, she said that they need to be compact, contiguous, and communities should be kept intact as much as possible. She also asked that the Commission not pay attention to where the incumbents reside.

VI. Correspondence and Announcements

The Commission Secretary noted receipt of the following correspondence:

- Testimony from Lester Fung
- Testimony from Clifton Takamura
- Letter from Roy Takumi
- Letter from Miriam and Joe Prigge
- Resolution from the Council of the Maui County, Resolution #01-169

VII. Other Business

- A. Commissioner Akiona asked that since the Commission is going to take up the issue of non-resident military dependents, he would like the Deputy Attorney General to look into an issue that was brought up by the residents in Kona and find out if a vote on the military dependent issue will effect the public school system.

The issue that the Kona residents expressed concern about was the fact that if non-resident military dependents were considered permanent residents by the Commission and the State, that this would have a direct impact on the federal aid that the public schools receive because they have military dependents in those schools. The people in Kona mentioned that those schools would stand a chance of losing the federal aid if the military dependents were considered permanent residents of the State. Commissioner Akiona expressed concern that if the Commission considers the non-resident military dependents as permanent residents, they may jeopardize that aid.

- B. Commissioner Jim On also requested that the Deputy Attorney General look into the impact of the document that Madge Schaefer brought to the Commission at the last public hearing on October 3 in Maui. The document was a fact sheet from the Office of Elections given to the Military Voter Aides that indicated that Ms. Schaefer testified that non-resident military dependents are not to be considered residents under Hawaii election laws.

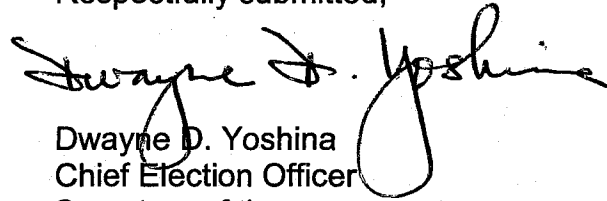
Chairperson Minami mentioned that there are two sides to a story and would give the Deputy Attorney General the benefit of following up on the issue and trying to correct it if it needs correction.

VIII. Adjournment

There being no other business to discuss the Tenth Meeting of the 2001 Reapportionment Commission was adjourned.

The Tenth Regular Meeting of the 2001 Reapportionment Commission was adjourned at 3:50 p.m.

Respectfully submitted,



Dwayne D. Yoshina
Chief Election Officer
Secretary of the
2001 Reapportionment Commission

MEASURING EQUAL REPRESENTATION IN HAWAII'S LEGISLATURE

The State of Hawaii is composed of four basic island units that equate with the four counties in the State (Maui and Kalawao counties are administratively treated as one county – Maui County). The Hawaii Constitution calls for equal representation among the four counties (basic island units) during the reapportionment process. In 1981 and 1991, this equality was achieved through the use of canoe districts. The proposed 2001 reapportionment also uses canoe districts to achieve this equality among counties.

There has been significant public comment urging the commission to look at ways to eliminate canoe districts. Some have urged the commission to abandon the 10% deviation standard that is required for the plan to be presumed constitutional. Traditionally, this deviation standard has been calculated twice, once for the State Senate and once for the State House. Each one has been required to be under the 10% threshold. The current population distribution, particularly the population on Kauai, makes it impossible to achieve two separate targets without using canoe districts.

There may be times, however, when the population distribution can allow a trade-off between the senate/house representations within each county. This means that a county would be under-represented in one house, and equally over-represented in the other. Since one-half of a State House seat, is approximately equal to one-fourth of a State Senate seat, a county that is over or under by one-fourth of a Senate district, and over or under by one-half of a State House district, could balance one off against the other to achieve a combined representation that is in balance with the other counties. This would have to work for all four counties to totally eliminate canoe districts.

It turns out that for the 2001 state population base this is possible. All four counties have approximately one-half House seat (which are canoed in the proposed plan). Two of the four counties (Kauai and Hawaii) have an extra one-fourth of a State Senate seat. By “giving up” this one-fourth Senate seat, each of these counties gains a full House seat. The other two counties (Oahu and Maui) are short by one-fourth of a Senate seat. By “giving up” their one-half House seat, each of these counties gains a full Senate seat. In this way combined representational equality is maintained among the counties and canoe districts are eliminated.

The numbers behind this method are shown in the attached table.

COMBINED SENATE/HOUSE DEVIATIONS

	Population		Target			
Statewide	1164468	Seats				Deviation**
	Senate	25	46579			
	House	51	22833			2.75%

Kauai	Population	Proposed	Target	Actual		BIU
	58386	Seats	Population	Population	Difference	Deviation*
	Senate	1	46579	58386	11807	
	House	3	68499	58386	-10113	
	combined		115078	116772	1694	1.47%

Honolulu	Population	Proposed	Target	Actual		BIU
	830176	Seats	Population	Population	Difference	Deviation*
	Senate	18	838422	830176	-8246	
	House	36	821988	830176	8188	
	combined		1660410	1660352	-58	0.00%

Maui	Population	Proposed	Target	Actual		BIU
	128029	Seats	Population	Population	Difference	Deviation*
	Senate	3	139737	128029	-11708	
	House	5	114165	128029	13864	
	combined		253902	256058	2156	0.85%

Hawaii	Population	Proposed	Target	Actual		BIU
	147877	Seats	Population	Population	Difference	Deviation*
	Senate	3	139737	147877	8140	
	House	7	159831	147877	-11954	
	combined		299568	295754	-3814	-1.27%

* Basic Island Unit percent deviation from target

** Statewide deviation is largest BIU deviation minus smallest BIU deviation

EAST HONOLULU VS. WEST HONOLULU "ROTTEN BOROUGHs"

It takes 5,000 more voters in East Honolulu

[rot'ten bor'ough, 1. (before the Reform Bill of 1832) an English borough that had very few voters but was represented in Parliament.

2. An election district that has more representatives in a legislative body than the number of constituents would normally call for. (1805-1815)]

THREE (3) EAST HONOLULU DISTRICTS - REGISTRATION & TURN-OUT & 2000 CENSUS - POPULATION (as adjusted by Commission)

DIST. NO.	AREA	ADJ. POP.	REGIS.	TURN-OUT	% Population Voting
17.	(Kahala/Waiālae Iki)	20,402	14,779	10,068	49.3%
16.	(Niu Valley/Aina Haina)	20,008	13,969	9,060	45.3%
15.	(Hawaii Kai, Portlock)	19,586	13,755	8,995	45.7%
Totals		59,996	42,503	28,123	46.9%
Average		19,999	14,168	9,374	

SIX (6) OAHU DISTRICTS - LOWEST REGISTRATION & TURN-OUT (2000) & 2000 CENSUS - POPULATION (as adjusted by Commission)

DIST. NO.	AREA	ADJ. POP.	REGIS.	TURN-OUT	% Population Voting
30.	(Kalihi Kai, Mapunapuna)	17,636	7,813	3,524	20.0%
29.	(Kalihi/Moanalua)	20,405	8,331	4,432	21.7%
32.	(Aiea/Salt Lake)	30,366	10,356	4,761	15.7%
Totals		68,407	26,500	12,717	18.6%
Average:		22,802	8,333	4,239	

NO. VOTING PER 3 EAST HONOLULU DISTRICTS: 9,374

NO. VOTING PER 3 WEST HONOLULU DISTRICTS: 4,239

DIFFERENCE: 5,135*

Most extreme example: According to the present plan, House District 17 will have to add 2228 to the base. If 49.3% of them vote, House District 17 then will have 11,166 voters. According to the present plans, House District 32 will have to subtract 7,533 persons from the base. If 15.7% of them are voters, then House District 32 will then have 3,578 voters. The difference between districts 17 and 32 for next years election will be 7,588 voters and district 17 will have THREE TIMES as many voters!!!!!!

WHAT ARE THE KEY INGREDIENTS FOR THIS DIFFERENCE?

*The counting of non-citizens and non-residents (i.e., non-voters) in the apportionment base.

One man, one vote?



**MINUTES OF THE
ELEVENTH REGULAR MEETING OF THE
2001 REAPPORTIONMENT COMMISSION**

**October 11, 2001
2:00 p.m.**

**Hawaii State Capitol
Room 329
Honolulu, Hawaii**

Commissioners in Attendance:

Mr. Wayne K. Minami, Chairperson
Mr. Deron K. Akiona
Ms. Jill E. Frierson
Ms. Lori Hoo
Mr. Shelton Jim On
Mr. Lynn C. Kinney
Mr. Kenneth T.G. Lum
Mr. Harold Masumoto
Mr. David Rae

Advisory Council in Attendance:

Mr. Stephen Goodenow, Oahu
Mr. Jim Hall, Oahu
Ms. Geal Talbert, Oahu
Mr. Robert Ogawa, Oahu
Ms. Shirley Spencer, Hawaii
Mr. Fred Rohlfing, Maui
Ms. Madge Schaefer, Maui
Mr. Mark Andrews, Maui
Mr. Jerome Hew, Kauai
Ms. Betty Chandler, Kauai
Ms. Trinette Kauai, Kauai

Technical Support Staff in Attendance:

Mr. Dwayne D. Yoshina, Office of Elections
Mr. David Rosenbrock, Office of Elections/Reapportionment Staff
Mr. Lawrence Chun, Office of Elections/Reapportionment Staff
Ms. Cynthia Fukunaga, Office of Elections/Reapportionment Staff
Mr. Strather Ing, Office of Elections/Reapportionment Staff
Ms. Keala Naluai, Office of Elections/Reapportionment Staff
Mr. Rex Quidilla, Office of Elections
Mr. Scott Nago, Office of Elections

Minutes of the Eleventh Regular Meeting of the 2001 Reapportionment Commission
Page 2

Mr. Brian Aburano, Department of the Attorney General
Mr. Aaron Schulaner, Department of the Attorney General

Observers Present:

Ms. Jean Aoki, League of Women Voters
Mr. Pat Omandam, Honolulu Star Bulletin
Ms. Lynne Matusow, Downtown Neighborhood Board
Rep. Chris Halford, House of Representatives
Mr. Kevin Dayton, Honolulu Advertiser
Mr. Bert Warashina, Senate Office
Ms. Shannon Wood, The Koolau News
Ms. Brandi Lau, Representative Morita Office
Mr. Glen Takahashi, City Clerk Office
Ms. Linda Lingle, Hawaii Republican Party
Sen. Sam Slom, State Senate
Mr. Ken Fujinaga, Representative Hamakawa Office
Rep. Barbara Marumoto, House of Representatives
Ms. Roberta Weatherford, Representative Leong Office
Ms. Karen Kinney, Observer
Mr. Lester Fung, Representative Yoshinaga Office
Mr. Terrance Aratami, Observer
Mr. Kaliko Chun, Senator L. Inouye Office
Mr. Clifton Takamura, McCully/Moiliili Neighborhood Board
Mr. Bob Carter, Senator Hemmings Office
Ms. Barbara Hale, Representative Hale Office
Ms. Laura Figueira, Senate Office
Ms. Poni Daines, Senator Taniguchi Office
Mr. Mona Kapaku, Representative Bukoski Office

I. Call to Order

Chairperson Wayne Minami called the Eleventh Regular Meeting of the 2001 Reapportionment Commission to order at 2:12 p.m. in Conference Room 329 of the Hawaii State Capitol, Honolulu, Hawaii.

II. Approval of Minutes

Commissioner Lynn Kinney moved to have the minutes of the Tenth Regular Meeting of the 2001 Reapportionment Commission on October 4, 2001 approved. Commissioner Deron Akiona seconded the motion. The motion was carried unanimously by the Commissioners in attendance.

PROCEEDINGS

III. Technical Committee Presentation

The Technical Committee had no presentation at this time.

IV. Advisory Councils Testimony

A. Testimony by Mr. Steve Goodenow, Oahu Advisory Council Member

Mr. Goodenow testified to the Commission his thoughts and feelings regarding the issues of Canoe Districts and counting military dependents in the population base.

1. Mr. Goodenow supports the possible compromise that the Commission staff has presented that may eliminate canoe districts as long as it does not disrupt those communities that have worked hard with the Commission to remain intact while the boundary lines were being drawn.
2. Mr. Goodenow strongly objects to removing military dependents from the state population base. The Commission has the vital responsibility of determining the resident population base. He reminded the Commission why they decided to include the dependents of non-resident military in the first place. The main reason being that there was no exact way of locating the dependents to extract them from the census tracts.
3. Mr. Goodenow listed many reasons as to why dependents of non-resident military should not be excluded from the population base:
 - a. There has been no method established that clearly identifies the census blocks where military dependents reside.
 - b. There is no way to tell with any degree of certainty that military dependents are not registered voters who chose, unlike their spouses, to vote in Hawaii.
 - c. Children of non-residents military who reside in Hawaii are no different than children of adults who we count as permanent residents.
 - d. Your job is to determine a permanent resident base. "I've looked at many definitions of permanent residence and I fail to see where military dependents don't come under these definitions."
 - e. If the dependents of military personnel are excluded, the districts that will be affected will have to deal with the issues of a larger population. The representative would have to represent the determined population base

as well as the additional persons on the military bases. They would still have to be represented.

- f. There have been legal arguments on both sides of the issue. The bottom line is that the Commission has a choice.

Mr. Goodenow stated that the State legislature must properly be configured to reflect the presence of military dependents; otherwise 5% of the total population will be disenfranchised.

B. Testimony by Mr. James V. Hall, Oahu Advisory Council Member

1. Mr. Hall testified that the issue of the dependents of non-resident military personnel should not be an issue at all because there seems to be an intent by a number of groups; including voters, the 1991 Reapportionment Commission, the 1991 legislature that crafted the proposed constitutional amendment, and the legislature that crafted HRS §11-13; that they should not be included in the state legislative population base for the reapportionment process.
2. Mr. Hall refuted the claims of the previous testimony saying that; 1) there was never a case when military dependents were ever included into the Hawaii state legislative population base, 2) there is a definition of permanent residents regarding military dependents in HRS §11-13, and 3) military dependents have the choice of whether or not to establish residency different from their military members, therefore including the military dependents without knowing their intent would be wrong.
3. With the issue of eliminating canoe districts, the Commission would have to demonstrate in their final report that they are following a rational state plan while also providing an equitable balance in the legislature so that every person has equal representation no matter where they reside and then back it up with relevant statistics.

V. Public Testimony

A. Testimony by Mr. Clifton Takamura, McCully/Moilili Neighborhood Board

Mr. Takamura stated that he supports the non-canoe plan that the Commission is considering.

He also stated that the McCully/Moilili neighborhood board is still strongly opposed to the Bingham tract and Manoa being placed in the same district. The neighborhood board commission decided that the redistricting would not affect the neighborhood board districts as they will remain the same regardless. The neighborhood board is considering adopting their own reapportionment

procedures within their own sub district because the state and county districts are being redrawn.

Mr. Takamura stated that he would like to request that the Commission not change the district numbers in the Senate and House Legislature. Please keep the numbers the same.

B. Testimony by Ms. Shannon Wood, The Ko'olau News

Ms. Wood stated that she supports the inclusion of all people in the population base. She said that it is not right to exclude the dependents of non-resident military personnel because there are many towns that are dependent upon the military for everything from the H-3 to direct employment of more than 10,000 local residents in non-Department of Defense jobs throughout Windward Oahu.

Ms. Wood also mentioned that she received a press release from the office of Senator Daniel Inouye stating that the State of Hawaii will be receiving more than \$77 million for the labor, health and education initiative. She said that the Senate Appropriations Committee has approved \$77.72 million in funding for labor, health and education programs in Hawaii. She quoted from a press release that, "Impact Aid, \$39.2 million. Hawaii's impact funding is part of a larger amount recommended by the Congress for impact aid programs nationwide. The program provides support for school districts with students who are children of members of the armed forces and federal government employees, as well as other children for whom the federal government has primary responsibility." Ms. Wood explained that there is nothing mentioned that the children have to belong to a family that is represented. Most non-military federal employees in the state of Hawaii are residents of Hawaii. Ms. Wood emphasized that after speaking with the Senator's Office that residency is not a requirement to receive federal aid.

Ms. Wood again urged the Commission not to exclude the military dependents.

VI. Decision Making

A. Reconsideration of Population Base

1. Motion for the Commission to reconsider the inclusion of the dependents of non-resident military in the population base.

Chairperson Minami moved that the Reapportionment Commission reconsider its decision to include dependents of non-resident military in the population base that it will use to reapportion and redistrict the state legislative districts. Commissioner Frierson seconded the motion.

Discussion:

- a. Commissioner Masumoto asked to make an amendment to the motion.

Commissioner Masumoto moved to include active duty military personnel along with their dependents who have Hawaii zip codes in the population base. Commissioner Masumoto explained by arguing that the Commission does not have adequate information to extract the military population from the census tracts. The Commission only has zip code information for the military personnel and their dependents. Commissioner Masumoto stated that this is not enough information to extract them from the population base and therefore argues for representation for all military personnel and their dependents in the population base.

Commissioner Masumoto said that the focus of apportionment is representation according to the 1984 Reapportionment Commission final report, page 20. He noted that those who may not vote are still entitled to representation, most notably aliens and minors. Thus, though they may not vote, he argued that active duty military personnel and their dependents were entitled to representation.

In summary Commissioner Masumoto stated his position:

- There is conflict between the provisions of the U.S. Constitution and the provisions of the State Constitution.
- The proposed methods to reconcile the conflict fail because of inadequate information and different standards for exclusion.
- The conflict not being resolved adequately, the U.S. Constitution should prevail.
- The Hawaii State 2001 Reapportionment Commission should join the rest of the nation in using total population as the reapportionment base.

(For more detail of Commissioner Masumoto's statement, written copies of his statement are available at the Commission office.)

- b. Commissioner Lori Hoo asked the Deputy Attorney General if what Commissioner Masumoto said was true, i.e., that Hawaii along with Kansas are the only states that do not utilize total population for their state's reapportionment. Mr. Brian Aburano stated that he had not done an analysis of all 50 states. However, according to what he has seen in cases and material he reviewed, Hawaii is one of 2-3 states, maybe the only state, that does not apportion by total population.

- c. Commissioner Akiona asked the Deputy Attorney General if the other states' population bases were determined by their reapportionment commissions, their legislatures, or by their constitutions. Mr. Aburano said that he had not researched all 50 states. He presumed that in most cases it would be in their state constitution or state statutes, but could be a decision made by their reapportionment commissions.
- d. Commissioner Shelton Jim On made a point of order that with respect to the amendment made by Commissioner Masumoto, it seems to contradict the motion to reconsider the population base.
- e. Commissioner Masumoto begged to differ and said that he is moving to reconsider the population base and propose to include the active duty military personnel in the population base as one motion.
- f. Commissioner Frierson begged to differ and stated that the motion to reconsider the population base was one motion. If that was approved, the Commission members could make a motion to do whatever they wanted to change the population base. She stated that the Commission has to agree to talk about such changes first.

Chairperson Minami called for a vote on the motion to reconsider the Commission's decision to include the dependents of non-resident military in the population base.

Roll Call:

Commissioners Akiona, Frierson, Jim On and Lum and Chairperson Minami voted in favor of the motion. Commissioners Hoo, Kinney, Masumoto and Rae voted against the motion. With a five (5) to four (4) vote for the affirmative, the motion carried.

The Commission will reconsider its decision to include the dependents of non-resident military in the reapportionment population base.

2. Motion to include military personnel.

Commissioner Masumoto moved to include all active duty military personnel along with their dependents who have Hawaii zip codes in the reapportionment population base for the reasons previously indicated. Commissioner Rae seconded the motion.

Discussion:

- a. Commissioner Akiona asked to clarify if the inclusion of active duty military personnel in the population base included the military personnel

that have declared themselves to be non-residents. Commissioner Masumoto answered in the affirmative.

- b. Commissioner Frierson asked for a point of verification and asked if the military who are in fact residents are being isolated. Commissioner Masumoto said that there should be no isolation for those who there are no exact addresses for. Commissioner Rae attempted to clarify Commissioner Masumoto's motion. He said that the motion is trying to include that group that was previously excluded, which are active duty military who declared residency in another state, but who cannot be legitimately be removed from the population base because there is insufficient data to do so.
 - c. Commissioner Jim On made a point of order that the appropriate course is to reconsider the Commission's decision to exclude the non-resident military. He stated that Commissioner Masumoto's motion is based on two issues, one of reconsidering the Commission's decision with respect to the exclusion of military dependents and the other is to include the active duty military. Commissioner Jim On argued that the appropriate course of action should be to make a motion to reconsider the motion previously made with respect to the exclusion of the military dependents.
 - d. Commissioner Masumoto stated that according to the agenda for today's meeting it is stated that there will be a reconsideration of the population base. He said that he would have assumed that a member of the Commission rather than the Chairperson would have an opportunity to make a motion on that issue first.
 - e. Chairperson Minami stated that the proper way to bring up the issue is to ask for a reconsideration of the Commission's decision on the previous action because they were separate actions. Chairperson Minami decided that the Commission would first take up the issue of including or excluding the military dependents and then take up the issue that Commissioner Masumoto brought up.
 - f. Commissioner Masumoto objected and requested that the Commission take up his motion first. Chairperson Minami declined the request.
3. Motion to exclude the dependents of non-resident military from the population base.

Commissioner Frierson moved that the Commission exclude the dependents of non-resident military - dependents of military members who have declared a place other than Hawaii as their residence - from the population base used for the reapportionment and redistricting of the state legislative districts. Commissioner Jim On seconded the motion.

Discussion:

- a. Commissioner Frierson stated that this decision is necessary for two reasons; 1) based on merit, which she has always felt, and 2) based on the process that was experienced after the initial decision was made. The need to exclude non-residents and military dependents was very clear to Commissioner Frierson. She mentioned that she was the lone person to vote that way in June. She stated that the State Constitution, statutes and other material indicating legislative and voter intent were very straightforward in her opinion. Others quickly joined the position for exclusion when they were presented with more evidence than what was presented in the beginning. Commissioner Frierson mentioned that she listened to all the arguments for inclusion, but she did not find them to have legal merit.

After entering the public hearing process, Republicans, Democrats, political activists, community organizations, condo boards, county councils, neighborhood boards, chambers of commerce and dozens of individuals came forward at the public hearings. They presented well-organized, mostly polite and non-inflammatory arguments as to why the Commission had made a big mistake in including the dependents of non-resident military. The pleas for fairness from the Neighbor Islands were the most compelling for her.

Commissioner Frierson stated that she suspects both the Democrats and Republicans will experience losses in a plan with no canoe districts and made up of permanent residents. The Neighbor Islands and other areas with few military dependents will gain equality; they will have their fair share for the next 10 years.

- b. Commissioner Rae expressed his gratitude to the entire Commission for the un-rankerous debates within the Commission on the pressing issues, and to the Chairperson for allowing such debates to occur. He stated that he felt that the Commission might not be the final word on those issues. Commissioner Rae complimented the Technical Committee which, despite differences, had brought to the table a very good plan to take to public hearings.

Commissioner Rae mentioned that regardless to today's vote and regardless of the disagreement of the Commission members on the fundamental population base, he believes that the Commission will continue to work in a spirit of cooperation to make a plan that it will be proud of to take to the public.

Commissioner Rae stated his position as to why he does not believe that the dependents of non-resident military should be excluded:

Minutes of the Eleventh Regular Meeting of the 2001 Reapportionment Commission
Page 10

- The base population is the census. Federal law requires that the congressional representation be based on total population.
- The population base has nothing to do with voting. The process of reapportionment is totally about representation.
- Since more people are included by law, it must be the most fundamental of all rights.
- Everybody is counted in the United States; minors, incarcerated felons, all military and their dependents, non-resident aliens. The people counted in one area in the national census are not counted somewhere else. Therefore, a person who was included in Hawaii's census and is not represented in Hawaii for local representation will not be represented for local representation anywhere.
- What standard must the Commission use to have a person not receive local representation? Only a few states, now maybe only Hawaii, do not use total population. The Hawaii State Constitution states "permanent residents" are to be used for the population base. The Commission has assumed that people who have sworn to be residents elsewhere cannot be included in the base population count. Two groups have been excluded. There was insufficient data to exclude non-resident aliens so they were not excluded from the population count.
- The Commission cannot exclude dependents of non-resident military because it cannot be sure that all of these dependents are non-residents. Therefore, Commissioner Rae asked, how they can be legally excluded? The Commission staff has indicated that the data on military dependents does not contain information showing whether or not they are permanent residents.
- It has been said that the dependents of non-resident military will still be represented even though they are excluded from the reapportionment population base. But, Commissioner Rae said, "That is leaving representation up to the representative. And that is not what the Constitution intends."
- Representation is the right to be weighted, as stated by Commissioner Masumoto previously. It has been said that some people want groups to be excluded so that they may be weighted more heavily. Commissioner Rae asked if that should be done by depriving some groups to be weighted at all. He stated that he believes such a deprivation to be unconstitutional.

- The Commission has been presented with documents purporting to give definitive guidance as to who is a resident of Hawaii. They forget that voter eligibility rules are not relevant. Some persons have pointed out HRS §11-13(6), which states "a member of the armed forces or their dependents are not residents just by being stationed in Hawaii." Commissioner Rae pointed out that HRS §11-13 also states in the introductory paragraph that "in determining residency, a person may treat oneself separate from the person's spouse."
 - Commissioner Rae mentioned that the Commission cannot assume that military dependents are not residents merely because the spouse is not. He believes it would violate the statute and the spirit and intent of the United States Constitution.
- c. Chairperson Minami announced that he will change his vote.

Chairperson Minami stated that he had followed the reasoning indicated by Commissioner Rae that with regards to military dependents, the Commission had no way in knowing whether they were residents or non-residents. He said that he had assumed that the Federal Constitution favored inclusion rather than exclusion.

However, during the public hearings, it became clear to him that what the Commission is really interpreting is the State Constitution. The State Constitution states that the Commission will count "permanent residents". The Commission has tried to determine who are permanent residents. It is clear that non-resident students and military who have declared a residence other than Hawaii could be excluded from the population base. Chairperson Minami stated that with regards to the dependents of the non-resident military, the Commission has said that it is not clear. He mentioned that the Hawaii Revised Statutes have very interesting sections with respect to determining or identifying residents of the State. The section that Commissioner Rae mentioned states that "no member of the armed forces of the United States, the member's spouse or the member's dependent is a resident of this state solely by reason of being stationed in the state." (HRS §11-13)

Chairperson Minami stated that in interpreting the State Constitution, the Commission cannot assume or take the inference that dependents of non-resident military could be residents. The burden falls on the dependents to prove or to do things that will make them a resident. Being in the military does not automatically make them a resident of the State. Chairperson Minami mentioned that he personally does not agree with the State Constitution and thinks that reapportionment should be based on total population. However, he is constrained because there is a constitutional amendment that was voted on that limits the reapportionment base to permanent residents. He felt that the

Commission should follow the State Constitution, and must consider the Hawaii Revised Statutes that interprets who are residents of Hawaii. As a result, he said that he would vote in favor of excluding the dependents of non-resident military.

- d. Commissioner Akiona mentioned that what is unique about the United States is that there is a Federal government and a State government. Differences in issues that the federal law does not incorporate, the states are allowed to decide how to handle those situations. It is clearly stated that in Hawaii there is a definition of "permanent resident" and in that definition it does not automatically place military and their dependents stationed in Hawaii as permanent residents.

He mentioned that what made him change his vote was the 1992 vote that was placed before the people of Hawaii. In a democracy, one needs to look at what the people want. The people voted 2-1 in favor of a constitutional amendment that stated that the population base for the purpose of reapportionment would be "permanent residents". He mentioned that the vote was based on reasoning that "permanent residents" did not include non-resident military dependents. Commissioner Akiona argued that this showed that the people of the State of Hawaii wanted the population base to be "permanent residents" at this time.

Commissioner Akiona stated that his preference would be the same as Chairperson Minami, to use the federal standard and include everybody in the population that was counted in the census. Unfortunately, that is not the law for the State of Hawaii. He suggested that there should be a change brought forward to the legislature and move for a constitutional amendment and place the issue again before the people of Hawaii.

The permanent resident population shift is on the Neighbor Islands and not on Oahu. The plan that the Commission will adopt will be for the next ten years. Commissioner Akiona stated that if the Commission does include the non-resident military dependents in the population base, though they were excluded in the past two reapportionments, there will not be a true reflection that represents permanent residents in the State of Hawaii.

Commissioner Akiona stated that he supports Chairperson Minami's position and will vote accordingly.

- e. Commissioner Jim On stated that at the last meeting he asked the Deputy Attorney General to look at the complete Statutory scheme and look at every statute and regulation to see whether, unlike the tax and voting regulations and unlike the constitutional amendment, there is something that would indicate that non-resident dependents would be included in any type of base. Commissioner Jim On wanted to

understand the statutory scheme for the reapportionment process and reasons for the prohibition and why it was enacted in that way. He stated that after doing his own research, it was his conclusion that the intent of the Hawaii Revised Statutes was that non-resident military dependents would not be included in any type of base, whether it be tax, residency, or voting. He said that he could not find any sort of regulation that came close to recognizing or presuming the inclusion of military dependents. Commissioner Jim On stated that if there is any need to make changes or any need to clarify the State's statutes, then the issues need to be taken up to the legislature and needs to be addressed by every single representative and every single senator - it is not the job of the Commission. The Commission is only there to apply the law as it is stated. For those reasons, Commissioner Jim On stated that he will be voting to exclude the non-resident military dependents.

- f. Commissioner Lum commended Chairperson Minami for his change in vote for the inclusion of military dependents. He mentioned that there were hundreds of opinions regarding the military dependent situation. He said that this is a case of listening to the will of the people. He also mentioned that of all the public hearings that he attended, there wasn't one military dependent that appeared to the Commission to defend their position to be counted. The Commission will go down in history as having done the will of the people.
- g. Commissioner Hoo asked the Deputy Attorney General if the opinion of the Attorney General has changed since going through all of the public hearings and hearing the testimony of the people.

Mr. Brian Aburano stated that the Attorney General's opinion was given after a review by a committee at the Attorney General's office as well as the Attorney General himself. Since those persons have not had the opportunity to review this matter again, he had no authority to change the opinion previously given. Mr. Aburano stated that his personal opinion was that the testimonies presented would not necessarily change the opinion by the Attorney General.

Mr. Aburano reminded the Commission that the Attorney General's opinion was the law was not so clear that the Attorney General's office felt that they could tell the Commission what to do as far as including or excluding the dependents of non-resident military. Rather, the Attorney General suggested that the Commission exercise its judgment on this issue giving due consideration to applicable laws, historical state policies, the precedents of prior commission actions, the provisions of the 1992 constitutional amendment, and the history of that amendment.

Mr. Aburano noted that none of the laws or cases in the AG's opinion has changed since the opinion was given. What has happened is that

the Commission heard testimony at the public hearings which indicated that many members of the public did not believe that military dependents should be included in the population base. Some of the public cited court cases in support of their testimony, but Mr. Aburano noted that their citations were not entirely accurate or complete.

Mr. Aburano reported as to the Commission's request that he look at the State's election laws as they pertained to the issue of the dependents of non-resident military. He noted that the statutes do not say that the dependents of non-resident military cannot be residents of the State; nor do they say that such dependents cannot be qualified to vote. The statutes simply removes any presumption that might attach the fact that they are residing in Hawaii.

Mr. Aburano gave the following background on the voter registration statutes. In the State Constitution, it is stated who can be a voter. One of the four qualifications of a person to become a voter is that the person has to be a resident of the State for not less than one year preceding the election. Regarding the military, because they usually live in Hawaii for more than one year, this constitutional provision could be interpreted to create a presumption that they are residents who are qualified to vote. It appears that Hawaii Revised Statutes §11-13 was created to remove that presumption and focus on the issue of the intention of the military and their dependents, i.e., to require them to show that rather than just physical presence, they have a concurrent intention to be a permanent or legal resident of the State of Hawaii. Thus, the statutes still focus on the intention of the military dependents in determining whether or not they can register to vote.

Mr. Aburano also mentioned that the laws that have been presented to the Commission are election laws. There is no indication that any of these laws or statutes have any meaning for reapportionment. The rules for residency in HRS §11-13 state that they are for "election purposes only". The rules do not say that they are for reapportionment also. HRS §11-13 and its rules are not in the reapportionment section of the State's statutes. As such, there is a question as to whether or not one can register to vote has any meaning as to whether or not one can be included in the reapportionment population base.

Mr. Aburano noted that if qualifications to be a resident and to be a voter were equal to being part of the population base, there would have been a different result in the Travis v. King case. The Court in that case threw out the registered voter population base as not being a constitutionally permissible population base. As such, one cannot say that simply because some people are not qualified to be a voter in the State that they cannot be part of the reapportionment population base. In this

regard, Mr. Aburano noted that minors are not qualified to vote, but are included in the reapportionment population base.

Mr. Aburano stated that where HRS §11-13 and its rules of residency might have some impact on the reapportionment process is in the fact that the rule could be further evidence of a historical state policy concerning the inclusion of military and their dependents for election and representation type purposes, i.e., the fear that the military and their dependents may have some distorting effect on voting in the State. It also shows that there is no presumption one way or the other as far as State law is concerned as to whether permanent residents include military dependents.

Mr. Aburano pointed out that under the common law, there is a presumption that a person retains their domicile/legal residence until they exhibit an intention to change it. There are some Hawaii cases that have held that in order to change one's residence, one has to: (a) establish a physical presence at a new location, (b) have the intention to be a resident at the new location, and (c) have the intention to abandon one's former residence. In the common law there is a presumption that people retain their former residence when they move from one place to another until they show their intention to change it. Again, Mr. Aburano cautioned that although it is in the common law, this presumption might not necessarily apply to reapportionment.

Roll Call:

Chairperson Minami reread the motion to exclude the dependents of non-resident military from the reapportionment population base.

Commissioners Akiona, Frierson, Jim On and Lum and Chairperson Minami voted in favor of the motion. Commissioners Hoo, Kinney, Masumoto, and Rae voted against. With a five (5) to four (4) vote, the motion carried.

The Commission will exclude the dependents of non-resident military from the population base that it will use to reapportion and redistrict the state legislative districts.

4. Motion to reconsider the population base

Commissioner Masumoto moved to have the Commission reconsider the current population base and include all active duty military personnel and their dependents in the population base that it uses to reapportion and redistrict the state legislative districts. Commissioner Rae seconded the motion.

Discussion:

Commissioner Frierson asked for clarification that whether the Commission will be voting to reintroduce into the population base the active military. Her question was answered in the affirmative.

Roll Call:

Commissioners Hoo, Kinney, Masumoto, and Rae voted in favor of the motion. Commissioners Akiona, Frierson, Jim On and Lum and Chairperson Minami voted against the motion. With a five (5) to four (4) vote against the motion, it failed.

The Commission will not include all active duty military personnel and their dependents in the population base that it will use to reapportion and redistrict the state legislative districts.

B. Calculating Reapportionment by Basic Island Unit

Chairperson Minami stated that the Deputy Attorney General is going to be given the opportunity to advise the Commission on the legality of the approach that it is considering to calculate deviations in its proposed plans and to clearly list it on the agenda as a decision making issue.

Deputy Attorney General, Mr. Brian Aburano, stated that he will be addressing two topics on the new proposed method of calculating deviations.

1. The method that is being proposed.

The method of calculation that is being proposed is the same or similar to the method that was used by the United States District Court in a case called Burns v. Gill (1970). It was used to approve a plan that was put together by the 1968 Constitutional Convention. Mr. Aburano cautioned relying on this case to validate the method of calculation since it did not appear to be a contested case, but more of an uncontested court confirmation on the 1968 Constitutional Convention's reapportionment plan.

The same or a similar method was also used by the 1981 Reapportionment Commission when it drew its plan. The plan was struck down by the Travis v. King case. The court did not use the methodology that is being proposed now in order to analyze the 1981 Reapportionment Commission's plan but used the more "standard" methodology of calculating deviations that the 2001 Reapportionment Commission was previously using.

Based on the cases that he has seen to date, Mr. Aburano stated that nearly all of the recent federal and state court decisions do not use the methodology of calculating deviations that is being proposed, the courts use

the more "standard" methodology that the 2001 Reapportionment Commission was previously using. However, he mentioned that he had not seen any court decisions that say that the new proposed methodology for calculating deviations cannot be used.

2. Maximum deviations that are permissible.

Mr. Aburano mentioned that it was noted in the Reynolds v. Sims decision that you cannot use a methodology for calculating deviations that masks an unconstitutionally large deviation.

In Reynolds v. Sims, the Supreme Court held that it does no good to apportion only one house on a population basis if the method of apportioning vote in another house would be submerged, which brings up the issue of maximum deviation. If the court does not agree with the Commission's method of calculating deviation and wants to analyze what has been done under the more standard methodology, the Commission would have to be concerned about what the maximum deviation would be on the other side.

The Supreme Court has stated that in analyzing a reapportionment plan, one must look at the total plan. Minor inequities in representation in certain areas can be balanced off by apportionment in another house. In other words, slight over representation in one house can be balanced by minor under representation in the other house. The Court has also said that a state can justify some population deviations between legislative districts based on rational state policies consistently applied. But, Mr. Aburano said that that does not mean that deviations of any size can be justified. Mr. Aburano also noted that courts have stated that deviations that may be justifiable in one state or set of circumstances may not be justifiable in another state or set of circumstances.

Mr. Aburano stated that many courts have indicated a 16.4% deviation as being the possible maximum deviation that the U.S. Supreme Court would find permissible. He read off a list of court cases that had struck down plans with deviations more than 16.4%. Mr. Aburano noted that the only real guidance that the U.S. Supreme Court had given to other courts is the 10% deviation guideline. Mr. Aburano cautioned that in several court cases, reapportionment plans have been struck down because the states involved were not able to offer rational reasons for the deviations in the plans. He also mentioned that courts look to see if deviations in reapportionment plans are justified by a rational state policy that has been consistently applied. In Hawaii, the last couple of plans did not keep political subdivisions intact as opposed to having canoe districts.

In summary, Mr. Aburano stated that there is nothing that states that the Commission cannot use the proposed method of calculation, but there are

risks if the alternative method produces deviations that exceeds 16.4% and are in the 20-30% range. Again, the courts have said nothing definitive as to how large of a deviation may be found constitutional or unconstitutional.

Chairperson Minami moved that the 2001 Reapportionment Commission shall utilize an alternative methodology that calculates deviations in the legislative district reapportionment plan by Basic Island Unit. Commissioner Frierson seconded the motion.

Discussion:

1. Commissioner Frierson asked to speak in favor of the motion. She feels that it is basically fair. There seems to be a general agreement between the Commission and the public that canoe districts are an abomination and that they don't work. There has been no real attempt made to build a plan that will end canoe districts but also provide fair representation. She feels that it is done by combining over representation in one legislative body and under representation in another. Commissioner Frierson said that she feels it would be a disservice to everybody if the Commission did not try to create a plan without canoes.
2. Commissioner Masumoto stated that two wrongs don't make a right. He feels that since a constitutional issue has already been raised regarding the population base, the second constitutional issue should also be raised. The second issue being the conflict between the State Constitution, which states that apportionment should be based on basic island units, and the Federal Constitution interpretation of equal representation.
3. Commissioner Jim On spoke in support of the motion saying that it might amount to a rational state policy. He also felt that if the Commission's plan does go to court, that there is a basis and reason supporting it considering all the testimonies that have been accepted by the Commission.
4. Commissioner Rae spoke against the motion. He is concerned about the equality of representation. Although the Commission has heard testimony that the public does not mind being under represented in one house if they were over represented in another, he is concerned that it will reflect the broadest concept of representation. Not knowing what the deviations are going to be and the uncomfortability of it, it bothers him enough to vote against the motion.
5. Commissioner Hoo asked the Commission's legal counsel in terms of the proposed method of calculation, if there is any thing that the Commission is doing that is contrary to state law in terms of how districts should be reapportioned. The Commission's legal counsel mentioned

that he is not aware of any violation of state law as far as the proposed method of calculation concerned.

Chairperson Minami stated that the State Constitution says that the legislative districts shall not extend beyond the basic island unit. He explained that the proposed method of calculation attempts to utilize the State Constitution provisions as justification for the plan that will be presented.

6. Commissioner Kinney stated the issue regarding the military dependents was a moral issue with him. He mentioned that he will cast his vote in favor of the recommendation to calculate by basic island unit because like Puna, towns are entitled to their own representation. They are the Neighbor Islands and in all fairness he is in favor of doing it by basic island units.
7. Commissioner Hoo stated that this point is where the Democrats are split in their decision. In talking to the Deputy Attorney General, she feels that it is a very risky step. Personally, she does not like canoe districts, but the concern is the possibility of people filing suit against the Commission. Commissioner Hoo will vote against calculating by basic island unit.

Roll Call:

Commissioners Akiona, Frierson, Jim On, Kinney, Lum and Masumoto, and Chairperson Minami voted in favor of the motion. Commissioners Hoo and Rae voted against the motion. With a seven (7) to two (2) vote, the motion carried.

The Commission will utilize an alternative plan that calculated deviations in its legislative district reapportionment plan by basic island unit.

VII. Correspondence and Announcements

Chairperson Minami noted receipt of the following correspondence:

- Testimony from Burton Goldenberg
- Testimony from Lawrence Moore
- Testimony from Pat Hunter-Williams
- Testimony from Peter Martin
- Testimony from J. Tyler Lee
- Testimony from Jeff Falkner
- Testimony from Joseph Pluta
- Testimony from Daniel Grantham
- Testimony from Beryl Blaich

Minutes of the Eleventh Regular Meeting of the 2001 Reapportionment Commission
Page 20

- Testimony from Kevin Mulligan
- Testimony from Andrew Nakagawa
- Testimony from Jeanette Nekota - Mililani Mauka/Launani Valley Neighborhood Board
- Petition from the residents of Lower Kapahulu
- Recommendations from Office of Elections - changes to plan for election purposes
- Opinion letter from Deputy Attorney General, Aaron Schulaner - military dependents issue raised by Ms. Schafer & Federal Aid issue raised by Kona residents

VIII. Other Business

A. Testimony of Ms. Madge Schaefer, Maui Advisory Council Member

Ms. Schaefer requested to testify after the decision making process.

Ms. Schafer expressed her gratitude toward the Commission for their time and for listening to the public and what they had to say.

Commissioner Rae thanked Ms. Schaefer for her diligence in the matters that were brought. He stated that what is important in the democracy is that everyone is allowed to disagree and do in within the context of the law.

B. Chairperson Minami outlined a tentative timetable for the Commission and public to keep in mind.

1. It will take about 1 1/2 weeks for the consultants to extract the military dependents from the population base.
2. The Technical Committee will meet and redraw the legislative districts.
3. The Technical Committee will present the plan to the whole Commission and then take the plan to the public.
4. The Advisory Councils on each island will be asked to hold informational meetings and try to find out where the neighborhood boundary lines are and if accommodation is possible the Commission will try to do so.
5. It is possible that the final plan will come in effect in December. Although it does exceed the timetable set forth in the constitution, the only alternative is for the court to draw the lines and he feels that they would welcome the effort that the Commission is trying to come up with a reapportionment plan.

C. Commissioner Hoo stated that despite the fact that the votes were split among party lines, it does not reflect at all the working relationship that the

Commission has amongst each other. There is a camaraderie present now and will continue to be there. Being stranded in Hilo helped the Commission become closer.

Commissioner Kinney stated that the process has been bipartisan and the Commission has been working together very well and will continue to do so. Chairperson Minami has kept the group together, working and moving in the direction. Whether they agree or disagree, the Commissioners are working for the citizens of Hawaii.

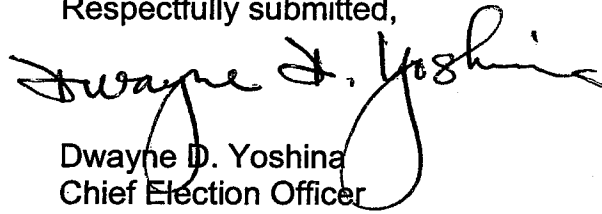
- D. Ms. Betty Chandler asked the Commission about the process and instructions that the Advisory Councils will need to follow prior to the public hearings. Chairperson Minami stated that it has not been clearly defined, but it is the Commission's ideal is to take advantage of the Advisory Councils.

IX. Adjournment

There being no other business to discuss the Eleventh Meeting of the 2001 Reapportionment Commission was adjourned.

The Tenth Regular Meeting of the 2001 Reapportionment Commission was adjourned at 4:00 p.m.

Respectfully submitted,



Dwayne D. Yoshina
Chief Election Officer
Secretary of the
2001 Reapportionment Commission



**MINUTES OF THE
TWELFTH REGULAR MEETING OF THE
2001 REAPPORTIONMENT COMMISSION**

**October 25, 2001
2:00 p.m.**

**Hawaii State Capitol
Room 016
Honolulu, Hawaii**

Commissioners in Attendance:

Mr. Wayne K. Minami, Chairperson
Mr. Deron K. Akiona
Ms. Jill E. Frierson
Ms. Lori Hoo
Mr. Shelton Jim On
Mr. Lynn C. Kinney
Mr. Kenneth T.G. Lum
Mr. Harold Masumoto
Mr. David Rae

Advisory Council in Attendance:

Mr. Stephen Goodenow, Oahu
Mr. Jim Hall, Oahu
Mr. Robert Ogawa, Oahu
Ms. Shirley Spencer, Hawaii
Mr. Fred Rohlfing, Maui
Mr. Mark Andrews, Maui
Mr. Jerome Hew, Kauai
Ms. Betty Chandler, Kauai
Ms. Trinette Kauai, Kauai
Mr. Dennis Esaki, Kauai

Technical Support Staff in Attendance:

Mr. Dwayne D. Yoshina, Office of Elections
Mr. David Rosenbrock, Office of Elections/Reapportionment Staff
Mr. Lawrence Chun, Office of Elections/Reapportionment Staff
Ms. Cynthia Fukunaga, Office of Elections/Reapportionment Staff
Mr. Strather Ing, Office of Elections/Reapportionment Staff
Ms. Keala Naluai, Office of Elections/Reapportionment Staff
Mr. Royce Jones, ESRI, GIS Consultant for the Commission
Mr. Rex Quidilla, Office of Elections
Mr. Scott Nago, Office of Elections

Minutes of the Twelfth Regular Meeting of the 2001 Reapportionment Commission
Page 2

Mr. Brian Aburano, Department of the Attorney General
Mr. Aaron Schulaner, Department of the Attorney General

Observers Present:

Ms. Jean Aoki, League of Women Voters
Mr. Pat Omandam, Honolulu Star Bulletin
Mr. Kevin Dayton, Honolulu Advertiser
Mr. Bert Warashina, Senate Office
Ms. Shannon Wood, The Koolau News
Ms. Brandi Lau, Representative Morita Office
Mr. Glen Takahashi, City Clerk Office
Ms. Kimberly Fujinaga, Representative Hamakawa Office
Rep. Barbara Marumoto, House of Representatives
Ms. Roberta Weatherford, Representative Leong Office
Mr. Kaliko Chun, Senator L. Inouye Office
Mr. Clifton Takamura, McCully/Moiliili Neighborhood Board
Mr. Bob Carter, Senator Hemmings Office
Mr. Mona Kapaku, Representative Bukoski Office
Ms. Denby Fawcett, KITV - News
Mr. Al Canopin Jr., Senator Tam Office
Ms. Lucia Denis
Ms. Coolrie Harris, Senator Matsunaga Office
Mr. Melvin Ahching, Senator Slom Office
Ms. Eloise Kuniyoshi, Senator Chumbley Office
Sen. Kalani English, Senate

I. Call to Order

Chairperson Wayne Minami called the Twelfth Regular Meeting of the 2001 Reapportionment Commission to order at 2:10 p.m. in Conference Room 016 of the Hawaii State Capitol, Honolulu, Hawaii.

II. Approval of Minutes

Commissioner Jill Frierson moved to have the minutes of the Eleventh Regular Meeting of the 2001 Reapportionment Commission on October 25, 2001 approved. Commissioner David Rae seconded the motion. The motion was carried unanimously by the Commissioners in attendance.

PROCEEDINGS

III. Technical Committee Presentation

Chairperson Minami asked that a member of the Reapportionment Staff make the presentation for the Technical Committee.

Minutes of the Twelfth Regular Meeting of the 2001 Reapportionment Commission
Page 3

Mr. David Rosenbrock presented the neighbor island portion of the 2001 reapportionment plan. He mentioned that the new proposed plan is based on provisions of Article IV of the Hawaii State Constitution and reflects testimony presented at public hearings held throughout the islands and testimony delivered to the reapportionment project office.

After receiving overwhelming opposition to the Commission's decision to include non-resident military dependents in the state's permanent resident population base and the method of "canoeing" or redistricting beyond the state's constitutional requirement that districts not extend beyond any basic island unit, the Commission changed its decision to include dependents of non-resident military and utilize "canoe" districts.

A. State Population Base

Mr. Rosenbrock reported that the Reapportionment Commission had adopted a new state population base, which excludes non-resident students, non-residents military who self-declared residency in another state and their dependents (with Hawaii zip codes).

Under the new state population base, the adjusted permanent resident population figures are as follows:

- State of Hawaii	1,124,330
- Island of Oahu	790,233
- Hawaii County	147,806
- Maui County	128,003
- Kauai County	58,288

B. Apportionment Among Basic Island Units

Mr. Rosenbrock stated that the Hawaii State Constitution, Article IV, Section 4, reads, "The commission shall allocate the total number of members of each house of the state legislature being reapportioned among the four basic island units, namely: (1) the island of Hawaii, (2) the islands of Maui, Lanai, Molokai, and Kahoolawe, (3) the Island of Oahu and all other islands not specifically enumerated, and (4) the islands of Kauai and Niihau, using the total number of permanent residents in each of the basic island units and computed by the method known as the method of equal proportions; except that no basic island unit shall receive less than one member in each house.

C. Apportionment Within Basic Island Units

Mr. Rosenbrock also read the Hawaii State Constitution, Article IV, Section 6, as follows, "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."

Hawaii State Constitution, Article IV, Subsection 6.1, was also read as follows, "No district shall extend beyond the boundaries of any basic island unit."

D. The Proposed Apportionment

Mr. Rosenbrock reported that in conformance with the foregoing constitutional provisions, the Reapportionment Commission had decided to eliminate "canoe" districts, and would apportion the State's legislators among the basic island units. The apportionment has been calculated using the Huntington-Hill Method of Equal Proportions, which is the same method used by the Federal Government to apportion Congressional seats among the states.

Mr. Rosenbrock listed the breakdown of the number of house and senate seats that each island would have.

- Oahu	Senate	18	House	35
- Hawaii County		3		7
- Maui County		3		6
- Kauai County		<u>1</u>		<u>3</u>
		25		51

E. Methods of Calculation and Examples

Mr. Rosenbrock explained the method of calculating the average number of permanent residents per legislator statewide and by each basic island unit. He showed a calculation of the deviations between each basic island unit's average number of permanent residents per legislator and the statewide average number of permanent residents per legislator. Mr. Rosenbrock noted that this method was used in *Burns v. Gill*, 1970. (Further details on these matters can be obtained at the Reapportionment Project Office.)

Mr. Rosenbrock noted that this method of calculating deviations (the Huntington-Hill Method of Equal Proportions) serves the rational state policies articulated in the Hawaii State Constitution, which recognizes the geographic insularity and unique political and socio-economic identities of the basic island units.

F. Neighbor Island Plans

Mr. Rosenbrock reported that the new proposed Neighbor Island plans as presented to the Commission are located at the back of the room and legal descriptions of the districts are in the packet provided to the Commission.

Minutes of the Twelfth Regular Meeting of the 2001 Reapportionment Commission
Page 5

He also stated that CD's are available and that maps of the new proposed plans can be viewed at the Reapportionment Project Office located in Room 411 at the State Capitol. The Apportionment Advisory Councils have received copies of their county maps today. Each Neighbor Island County will receive a copy of its county maps by October 31, 2001.

G. Commission's Schedule

Mr. Rosenbrock outlined the Reapportionment Commission's schedule for the duration of the year.

October 25	Present Neighbor Island plans
October 29	Kauai Advisory Council meeting with Reapportionment Staff.
October 30	Present Oahu plan
October 31	Maui Advisory Council meeting with Reapportionment Staff.
November 1	Hawaii Advisory Council meeting with Reapportionment Staff.
November 14	Oahu Advisory Council meeting with Reapportionment Staff.
November 19	Kauai public hearing
November 20	Maui public hearing
November 26	Hawaii public hearings (2 locations - Hilo, Kona)
November 27	Oahu public hearing (2 locations - TBA)
November 30	Commission to adopt final plan
December 14	File plan with Chief Elections Officer

Commissioner Hoo asked if the method of calculating deviations that was being presented is the same method that was used by the 1973 Reapportionment Commission. Mr. Rosenbrock stated that it is the same method of calculating deviation except that the 1973 plan used multi-member districts, while the 2001 plan uses only single-member districts.

Chairperson Minami explained that the plans that have been presented are a first draft subject to changes subsequent to the public hearings. He mentioned that the Oahu plan will be presented at the Commission's next meeting at 2:00 p.m., Tuesday, October 30, 2001, at the State Capitol Room 329.

Chairperson Minami stated that the Neighbor Island plans were finished first because there were relatively few military dependents on the Neighbor Islands. He noted that the Oahu plan took longer since they had to extract the military dependents from the many Oahu census blocks.

IV. Advisory Councils Testimony

A. Testimony by Mr. James V. Hall, Oahu Advisory Council Member

Mr. Hall stated that he estimated the population base for each county and sent his calculations to Dr. Bernard Rohlfman, the national expert on reapportionment, Professor of Political Science at the University of California, President of the Public Choice Society. He stated that Dr. Rohlfman mentioned that Mr. Hall's calculations were interesting and that there was another way of doing the calculations. Dr. Rohlfman sent back his own calculations and said that everything should be fine. Mr. Hall mentioned that Dr. Rohlfman's method of calculating deviations in the proposed apportionment of legislators was similar to what was presented today.

Mr. Hall wished to assure the Commission that its method of calculating deviations in its proposed apportionment was still valid and workable.

B. Testimony by Mr. Steve Goodenow, Oahu Advisory Council Member

Mr. Goodenow asked for advice from the Commission to the Advisory Councils regarding Advisory Council public meetings. Due to the schedules of various Council members, the Oahu Advisory Council public meeting would not be scheduled until November 14, 2001. He felt that there would be enough time for the Oahu Advisory Council to hold its informational meetings before the scheduled Commission public hearing on November 27, 2001.

Mr. Goodenow asked if the Public Information Committee has an idea of how many informational meetings it would like the Advisory Councils to hold so that the Councils will be able to make the necessary arrangements and work with the Commission staff.

Mr. Goodenow also invited the public to attend the informational meetings and requested that the media print the dates and times of the meetings in a timely manner so that the public will be informed and be able to make good and reliable testimonies at the Commission's public hearings.

V. Public Testimony

There was no public testimony presented.

VI. Correspondence and Announcements

Chairperson Minami noted receipt of the following correspondence:

- Thank you letter from Elliott Krash, President, Kula Community Association
- Thank you letter from Beryl Blaich, Kailua-Kona resident
- Testimony from Senator Rod Tam with approximately 504 signatures in support
- Testimony from Nikhilananda, Makawao resident

VII. Executive Session

The Secretary to the Commission and Chief Elections Officer asked that the Commission entertain a motion to go into executive session so that he could respond to a letter regarding the Commission's schedule that he received from the Chairperson.

Commissioner Masumoto moved that the Commission go into executive session to discuss the letter that was sent to the Chief Elections Officer. Commissioner Rae seconded that motion. The motion was carried unanimously by the Commissioners in attendance.

The Commission went into executive session at 2:40 p.m. and reconvened the meeting to the public at 2:55 p.m.

VIII. Other Business

Commissioner Hoo mentioned that she remembers the Deputy Attorney General said that there is some risk involved if the Commission decides to develop a plan without "canoe" districts. She said that she understood that the 1973 Reapportionment Commission's plan with no "canoe" districts was upheld in court even though there was a question about the deviation between Kauai and the rest of the islands. Commissioner Hoo asked if the 1973 Reapportionment Commission's plan sets a precedent in terms of how deviations in a Hawaii reapportionment plan can be calculated.

Chairperson Minami stated that the Commission has to develop a rational basis to justify its reapportionment plan. He mentioned that the U.S. Supreme Court has said that it will give state legislatures or reapportionment commissions a wider leeway in developing state legislative apportionment and redistricting plans versus congressional redistricting plans. There are cases that say if the maximum deviation in the state plans exceeds 10%, the burden is on the Commission to justify the deviation. The Commission is relying on the Hawaii State Constitution that has a specific provision that says "No district shall extend beyond the boundaries of any basic island unit". The Commission is trying to avoid "canoe" districts. Chairperson Minami said that the question is what happens when in order to avoid "canoe" districts you end up having a basic island unit such as Kauai, that has 58,000 voters but only one senator. As indicated in prior court cases, you grant Kauai 3 representatives, with an average of 19,429 permanent residents per representative, to balance out the representation of Kauai between the house and senate.

Chairperson Minami stated that the Commission is measuring deviations within its proposed plans by basic island unit. Although there are other ways to calculate such deviations, the Commission is following the State Constitution which sets out the parameters that the legislative districts should be kept within each basic island unit. He said that hopefully the courts will accept this method of calculating deviations as a rational justification, because it is not something that the Commission made up; it's

Minutes of the Twelfth Regular Meeting of the 2001 Reapportionment Commission
Page 8

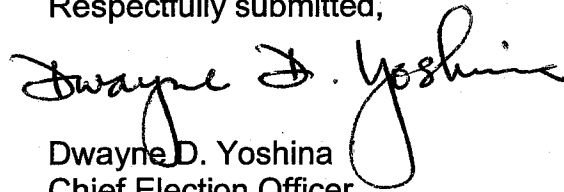
in the State Constitution adopted by the people. Chairperson Minami acknowledged that there is some risk in the methodology that the Commission is taking, but he thinks it is worth pursuing.

IX. Adjournment

There being no other business to discuss the Twelfth Meeting of the 2001 Reapportionment Commission was adjourned.

The Twelfth Regular Meeting of the 2001 Reapportionment Commission was adjourned at 3:00 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Dwayne D. Yoshina". The signature is written in a cursive style with a large, looping 'D' at the end.

Dwayne D. Yoshina
Chief Election Officer
Secretary of the
2001 Reapportionment Commission

**MINUTES OF THE
THIRTEENTH REGULAR MEETING OF THE
2001 REAPPORTIONMENT COMMISSION**

**October 30, 2001
2:00 p.m.**

**Hawaii State Capitol
Room 329
Honolulu, Hawaii**

Commissioners in Attendance:

Mr. Wayne K. Minami, Chairperson
Ms. Jill E. Frierson
Ms. Lori Hoo
Mr. Shelton Jim On
Mr. Lynn C. Kinney
Mr. Kenneth T.G. Lum
Mr. Harold Masumoto
Mr. David Rae

Advisory Council in Attendance:

Mr. Stephen Goodenow, Oahu
Mr. Jim Hall, Oahu
Mr. Robert Ogawa, Oahu

Technical Support Staff in Attendance:

Mr. Dwayne D. Yoshina, Office of Elections
Mr. David Rosenbrock, Office of Elections/Reapportionment Staff
Mr. Lawrence Chun, Office of Elections/Reapportionment Staff
Ms. Cynthia Fukunaga, Office of Elections/Reapportionment Staff
Mr. Strather Ing, Office of Elections/Reapportionment Staff
Ms. Keala Naluai, Office of Elections/Reapportionment Staff
Mr. Royce Jones, ESRI, GIS Consultant for the Commission
Mr. Rex Quidilla, Office of Elections
Mr. Scott Nago, Office of Elections
Mr. Brian Aburano, Department of the Attorney General
Mr. Aaron Schulaner, Department of the Attorney General

Observers Present:

Ms. Jean Aoki, League of Women Voters
Mr. Pat Omandam, Honolulu Star Bulletin
Mr. Kevin Dayton, Honolulu Advertiser

Minutes of the Thirteenth Regular Meeting of the 2001 Reapportionment Commission
Page 2

Mr. Bert Warashina, Senate Office
Mr. Jon Wood, The Koolau News
Rep. Barbara Marumoto, House of Representatives
Ms. Roberta Weatherford, Representative Leong Office
Mr. Clifton Takamura, McCully/Moiliili Neighborhood Board
Ms. Coolie Harris, Senator Matsunaga Office
Sen. Cal Kawamoto, Hawaii State Senate
Mr. Sam Moku, Senator Hogue Office
Ms. Joan Shinn, Representative Marumoto Office
Mr. Karl Rhoads, Neighborhood Board - 13
Mr. Melvin Ahching, Senator Slom Office
Rep. Chris Halford, House of Representatives
Ms. Lokelani Lay Lou, Senate Minority Office

I. Call to Order

Chairperson Wayne Minami called the Thirteenth Regular Meeting of the 2001 Reapportionment Commission to order at 2:15 p.m. in Conference Room 329 of the Hawaii State Capitol, Honolulu, Hawaii.

II. Approval of Minutes

Commissioner Lynn Kinney moved to have the minutes of the Twelfth Regular Meeting of the 2001 Reapportionment Commission on October 25, 2001 approved. Commissioner Harold Masumoto seconded the motion. The motion was carried unanimously by the Commissioners in attendance.

PROCEEDINGS

III. Technical Committee Presentation

Chairperson Minami asked that a member of the Reapportionment Staff make the presentation for the Technical Committee.

Mr. David Rosenbrock presented the Oahu portion of the 2001 reapportionment plan. He mentioned that the new proposed plan is based on provisions of Article IV of the Hawaii State Constitution and reflects testimony presented at public hearings held throughout the islands and testimony delivered to the reapportionment project office.

After receiving overwhelming opposition to the Commission's decision to include non-resident military dependents in the state's permanent resident population base and the method of "canoeing" or redistricting beyond the state's constitutional requirement that districts not extend beyond any basic island unit, the Commission changed its decision to include dependents of non-resident military and utilize "canoe" districts.

A. State Population Base

Mr. Rosenbrock reported that the Reapportionment Commission had adopted a new state population base, which excludes non-resident students, non-resident military who self-declared residency in another state and their dependents (with Hawaii zip codes).

Under the new state population base, the adjusted permanent resident population figures are as follows:

- State of Hawaii	1,124,330
- Island of Oahu	790,233
- Hawaii County	147,806
- Maui County	128,003
- Kauai County	58,288

B. Apportionment Among Basic Island Units

Mr. Rosenbrock stated that the Hawaii State Constitution, Article IV, Section 4, reads, "The commission shall allocate the total number of members of each house of the state legislature being reapportioned among the four basic island units, namely: (1) the Island of Hawaii, (2) the Islands of Maui, Lanai, Molokai, and Kahoolawe, (3) the Island of Oahu and all other islands not specifically enumerated, and (4) the Islands of Kauai and Niihau, using the total number of permanent residents in each of the basic island units and computed by the method known as the method of equal proportions; except that no basic island unit shall receive less than one member in each house."

C. Apportionment Within Basic Island Units

Mr. Rosenbrock read the Hawaii State Constitution, Article IV, Section 6, as follows, "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."

Hawaii State Constitution, Article IV, Subsection 6.1, was also read as follows, "No district shall extend beyond the boundaries of any basic island unit."

D. The Proposed Apportionment

Mr. Rosenbrock reported that in conformance with the foregoing constitutional provisions, the Reapportionment Commission had decided to eliminate "canoe" districts, and would apportion the State's legislators among the basic island units. The apportionment has been calculated using the Huntington-Hill Method of

Minutes of the Thirteenth Regular Meeting of the 2001 Reapportionment Commission
Page 4

Equal Proportions, which is the same method used by the Federal Government to apportion Congressional seats among the states.

Mr. Rosenbrock listed the breakdown of the number of house and senate seats that each island would have.

- Oahu	Senate	18	House	35
- Hawaii County		3		7
- Maui County		3		6
- Kauai County		<u>1</u>		<u>3</u>
		25		51

E. Methods of Calculation and Examples

Mr. Rosenbrock explained the method of calculating the average number of permanent residents per legislator statewide and by each basic island unit. He showed a calculation of the deviations between each basic island unit's average number of permanent residents per legislator and the statewide average number of permanent residents per legislator. Mr. Rosenbrock noted that this method was used in *Burns v. Gill*, 1970. (Further details on these matters can be obtained at the Reapportionment Project Office.)

Mr. Rosenbrock noted that this method of calculating deviations (the Huntington-Hill Method of Equal Proportions) serves the rational state policies articulated in the Hawaii State Constitution, which recognizes the geographic insularity and unique political and socio-economic identities of the basic island units.

F. Oahu Island Plan

Mr. Rosenbrock stated that maps showing the new proposed Oahu island plan as presented to the Commission are located at the back of the room and that legal descriptions of the districts in the new proposed Oahu island plan are in a packet that has been provided to the Commission.

He also stated that CD's are available and that maps of the new proposed Oahu island plan can be viewed at the Reapportionment Project Office located in Room 411 at the State Capitol. The Oahu Apportionment Advisory Council has received a copy of the Oahu county maps today. Maps will be available to view at the Oahu County Clerk's office, the Hawaii State Library, and the Reapportionment website by the end of the week.

G. Commission's Schedule

Mr. Rosenbrock outlined the Reapportionment Commission's schedule for the duration of the year.

Minutes of the Thirteenth Regular Meeting of the 2001 Reapportionment Commission
Page 5

October 25	Neighbor Island plans were presented
October 29	Kauai Advisory Council meeting with Reapportionment Staff.
October 30	Present Oahu plan
October 31	Maui Advisory Council meeting with Reapportionment Staff.
November 1	Hawaii Advisory Council meeting with Reapportionment Staff.
November 14	Oahu Advisory Council meeting with Reapportionment Staff.
November 19	Kauai public hearing
November 20	Maui public hearing
November 26	Hawaii public hearings (2 locations - Hilo, Kona)
November 27	Oahu public hearing (2 locations - TBA)
November 30	Commission to adopt final plan
December 14	File plan with Chief Elections Officer (expeditiously)

Commissioner Hoo asked what the break down was of the house representatives in the original plan. Commissioner Frierson and Mr. Rosenbrock outlined the breakdown of legislators in the original plan:

<u>Island</u>	<u>No. of Representatives</u>	<u>No. of Senators</u>
Oahu	36 1/2	17 1/2
Hawaii	6 (portion)	3 1/2
Maui	5 (portion)	3 1/2
Kauai	2 1/2	1 1/2

IV. Advisory Councils Testimony

A. Testimony by Mr. Steve Goodenow, Oahu Advisory Council Member

Mr. Goodenow stated that the Oahu Advisory Council will be holding an informational public meeting on November 14, 2001, 7:00 p.m. at the State Capitol Auditorium. The general public is welcome to attend and give testimony at the meeting.

V. Public Testimony

A. Testimony by Mr. Clifton Takamura, McCully/Moiliili Neighborhood Board 08

Mr. Takamura reported that the Neighborhood Board members as well as some residents have voiced a concern as to who will represent the McCully/Moiliili area.

Mr. Takamura requested that the Commission make all records available for the public to review. Commissioner Frierson mentioned that the final report that the Commission has to turn in to the legislature at the conclusion of the

Reapportionment Commission's work should contain a record of all the testimony and written comments that have been presented to the Commission. She noted that the final report is a public record.

B. Testimony by Mr. Karl Rhoads, Downtown Neighborhood Board 13

Mr. Rhoads reported that his Neighborhood Board passed a resolution a month ago that opposed the splitting of the house districts in Kakaako and Waikiki. He said that the Commission should expect another resolution of opposition for the revised proposed plan, because the Neighborhood Board he represents is split between three house and three senate districts.

Commissioner Masumoto asked who set the Neighborhood Board boundaries. Mr. Rhoads mentioned that the boundaries could be changed. Commissioner Masumoto suggested that since the legislative and city council districts are being changed, it is about time that the neighborhood board districts should be changed.

VI. Correspondence and Announcements

Chairperson Minami noted receipt of the following correspondence:

- Testimony from Senator Cal Kawamoto regarding redistricting
- Testimony from Pat Hunter-Williams regarding the proposed plan that provides for one senate and three house of representative seats for the island of Kauai

VII. Other Business

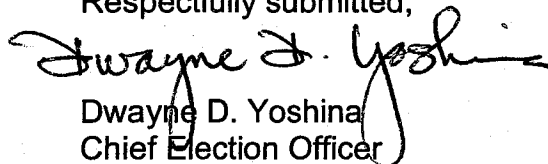
There was no other business to discuss.

VIII. Adjournment

There being no other business to discuss, Commissioner David Rae moved to adjourn the Thirteenth Meeting of the 2001 Reapportionment Commission. Commissioner Lori Hoo seconded the motion. The motion was carried unanimously by the Commissioners in attendance.

The Thirteenth Regular Meeting of the 2001 Reapportionment Commission was adjourned at 2:40 p.m.

Respectfully submitted,



Dwayne D. Yoshina
Chief Election Officer
Secretary of the
2001 Reapportionment Commission

**MINUTES OF THE
FOURTEENTH REGULAR MEETING OF THE
2001 REAPPORTIONMENT COMMISSION**

**November 30, 2001
2:00 p.m.**

**Hawaii State Capitol
Room 329
Honolulu, Hawaii**

Commissioners in Attendance:

Mr. Wayne K. Minami, Chairperson
Mr. Deron Akiona
Ms. Jill E. Frierson
Ms. Lori Hoo
Mr. Shelton Jim On
Mr. Kenneth T.G. Lum
Mr. Harold Masumoto
Mr. David Rae

Advisory Council in Attendance:

Mr. Stephen Goodenow, Oahu
Mr. Jim Hall, Oahu
Mr. Robert Ogawa, Oahu
Mr. Wayne Metcalf, Hawaii
Mr. Mark Andrews, Maui
Mr. Frederick Rohlfing, Maui
Ms. Madge Schaefer, Maui
Mr. Dennis Esaki, Kauai
Mr. Jerome Hew, Kauai

Technical Support Staff in Attendance:

Mr. Dwayne D. Yoshina, Office of Elections
Mr. David Rosenbrock, Office of Elections/Reapportionment Staff
Mr. Lawrence Chun, Office of Elections/Reapportionment Staff
Ms. Cynthia Fukunaga, Office of Elections/Reapportionment Staff
Mr. Strather Ing, Office of Elections/Reapportionment Staff
Ms. Keala Naluai, Office of Elections/Reapportionment Staff
Mr. Royce Jones, ESRI, GIS Consultant for the Commission
Mr. Rex Quidilla, Office of Elections
Mr. Scott Nago, Office of Elections
Mr. Brian Aburano, Department of the Attorney General
Mr. Aaron Schulaner, Department of the Attorney General

Minutes of the Fourteenth Regular Meeting of the 2001 Reapportionment Commission
Page 2

Observers Present:

Ms. Jean Aoki, League of Women Voters
Mr. Pat Omandam, Honolulu Star Bulletin
Mr. Kevin Dayton, Honolulu Advertiser
Ms. Shannon Wood, The Koolau News
Mr. Clifton Takamura, McCully/Moiliili Neighborhood Board
Sen. Cal Kawamoto, Hawaii State Senate
Ms. Joan Shinn, Representative Marumoto Office
Mr. Karl Rhoads, Neighborhood Board - 13
Rep. Chris Halford, House of Representatives
Ms. Lynne Matusow, Downtown Neighborhood Board
Mr. Scott Smart, Mililani resident
Mr. Jimmy Toyama, Democratic Party of Oahu
Mr. Glen Takahashi, City Clerk
Sen. Sam Slom, Hawaii State Senate
Rep. Bertha Leong, House of Representatives
Ms. Janice Lenner, Senator Kanno Office
Mr. Bob Carter, Senator Fred Hemmings Office
Mr. Larry Meacham, Common Cause
Mr. Clyde Morita, Honolulu resident
Ms. Karla Hill, Representative Moses Office
Rep. Mark Moses, House of Representatives
Ms. Kimberly Fujinaga, Representative Hamakawa Office

I. Call to Order

Chairperson Wayne Minami called the Fourteenth Regular Meeting of the 2001 Reapportionment Commission to order at 2:10 p.m. in Conference Room 329 of the Hawaii State Capitol, Honolulu, Hawaii.

II. Approval of Minutes

Commissioner Jill Frierson moved to have the minutes of the Thirteenth Regular Meeting of the 2001 Reapportionment Commission on October 30, 2001 approved. Commissioner Deron Akiona seconded the motion. The motion was carried unanimously by the Commissioners in attendance.

PROCEEDINGS

III. Technical Committee Presentation

Chairperson Minami asked that a member of the Reapportionment Staff make the presentation for the Technical Committee.

- A. Mr. David Rosenbrock presented proposed changes to the reapportionment plan for the State legislative districts that were published prior to the Commission's

second set of public hearings. Some of the changes to the plan are based on testimony presented at the second set of public hearings and written testimony or comments delivered to the Commission's office.

At the second set of public hearings, the public voiced overwhelming support for the Commission's decision to exclude non-resident military dependents from the State "permanent resident" reapportionment population base and to abolish canoe districts. The public also voiced support for the Commission's revised reapportionment plan that was published before the second set of public hearings.

Mr. Rosenbrock pointed out that the printouts of the proposed changes to the revised reapportionment plan were located in the room for review by the public in attendance. Mr. Rosenbrock mentioned that there were handouts that outlined the proposed changes by the resident population. (See attached handouts - Appendix A)

- B. Mr. Rosenbrock mentioned that the Commission's packet also included a copy of the legal descriptions of the district boundaries of the revised reapportionment plan including the proposed changes. He indicated that this information would be available for the public to review on Monday or Tuesday.

- C. Staggered Senate Terms

Mr. Rosenbrock summarized a handout that was presented to the Commission and also available for public review that outlines which senate districts in the Commission's reapportionment plan would have four-year senate terms and which districts would have two-year senate terms. (See attached handout - Appendix B). He explained that the twelve (12) new senate districts that were designated to have two-year senate terms were the districts with the lowest percentage of population that held a senate election in the year 2000.

- D. Proposal

Mr. Rosenbrock asked that the Commission consider the following request: That "the Reapportionment Staff may make minor adjustments of the adopted boundaries to remove legislative pockets and to follow better-named features, providing that the change affects fewer than 200 people and the basic island unit deviations do not exceed plus or minus 4.9 percent."

IV. Advisory Councils Testimony

- A. Testimony by Mr. Steve Goodenow, Oahu Advisory Council Member

Mr. Goodenow reported that the Oahu Advisory Council held a public meeting where only two members of the public attended. He mentioned that the Commission public hearing held at Waipahu during the second round of hearings

Minutes of the Fourteenth Regular Meeting of the 2001 Reapportionment Commission
Page 4

was also poorly attended. His conclusion was that most Oahu residents are accepting of the district boundaries in the Commission's revised reapportionment plan.

Mr. Goodenow asked that the Commission address several issues in its final report to the legislature.

1. Define "permanent resident" by law.
2. Clearly articulate the role of the Advisory Councils by law.

Mr. Goodenow then expressed his personal testimony. He opposed the exclusion of the military dependents from the State reapportionment population base because he feels that the thousands that have been excluded distort the "one person one vote" principal by creating districts with larger constituents than others. He felt that the Commission should not have connected canoe districts to the number of people counted in the permanent resident base. He felt that canoe districts could have been eliminated without changing the population base. He asked that the Commission be inclusive.

Mr. Goodenow stated that reapportionment and redistricting is supposed to be based on representation and not voting. Mr. Goodenow said, "While we draw district lines for voting purposes, the larger picture is to insure that all people are represented."

B. Testimony by Mr. Fred Rohlfing, Maui Advisory Council Member

Mr. Rohlfing presented and submitted the Maui Apportionment Advisory Council's report to the Commission. Mr. Rohlfing said that he would not read the Council's report but would discuss the Council's proposed recommendations for the Commission to include in its final report.

1. The role of the Advisory Councils is not clear from the Hawaii Revised Statutes and should be clarified.
2. Membership of the Commission should include at least one member from each basic island unit.
3. Federal legislation and necessary funding should be enacted that provides for INS sampling and reporting on citizenship at the census tract level; and such information must be released to reapportionment agencies at the state level on a timely basis. (The Maui Advisory felt that the issue is not representational equality but electoral equality.)
4. The Reapportionment Commission should make it possible for ordinary citizens to utilize commonly held software to access and process districting data on the website and otherwise.

Minutes of the Fourteenth Regular Meeting of the 2001 Reapportionment Commission
Page 5

5. Urge that the legislature enact legislation that will encourage military personnel and their dependents to become citizens of Hawaii and to register to vote in State elections.
6. The time period for Commission work in the future should be extended by several months.
7. Amend statutes to assure that Commissioners meet basic ethical standards applicable to other State government officials. (At least require financial disclosure similar to that required of State Legislators.)

C. Testimony by Mr. Wayne Metcalf, Hawaii Advisory Council Member

Mr. Metcalf stated that he would like the remarks of Mr. Toyama and Mr. Goodenow included in the record as his own. He stated that it is ironic that Hawaii will welcome the military but the dependents become invisible. He stated that he feels that for the purpose of reapportionment, it is important to consider the military dependents as members of the community, because that is what they are.

D. Testimony by Mr. Jim Hall, Oahu Advisory Council Member

Mr. Hall mentioned that he would like to clarify what he felt as misrepresentations that were stated earlier.

1. The military were never included in the State or Territory population base for reapportionment.
2. There has already been a challenge of the idea of excluding non-resident military dependents and others including aliens. The Supreme Court addressed the challenge and concluded that there was no reason why the state should include that particular population in the population base for the purpose of reapportionment because it would distort the districts immensely.
3. A survey was done by the 1991 Reapportionment Commission among the military and their dependents and found out that 97% of the dependents don't vote in Hawaii. The Commission used the formula of the total number of military minus 97%.
4. The 1968 Con-Con wanted a state citizen base but it was changed to a registered voter base because it was too difficult to determine from the census who was a state citizen.
5. The overall inclusion of non-resident military dependents does not follow the State Constitution, because the Constitution states that the population base would be permanent residents.

6. Regarding the case in Virginia regarding exclusion of the military, it was a ruling on a blanket exclusion of the military.

Mr. Hall summed up by saying that the Commission (1) followed the State Constitution, (2) did not violate the United States Constitution, and (3) anybody that would want to challenge the Commission's decisions would have a tough case because it has already been looked at by the Courts.

V. Public Testimony

A. Testimony by Mr. Jimmy Toyama, Democratic Party of Oahu Chairman

Mr. Toyama expressed gratitude to the Commission for the work that it has done in redrawing the district lines.

Mr. Toyama mentioned that the Democratic Party supports the elimination of canoe districts. He also expressed approval of the Commission listening to the public and trying to keep communities in tact as much as possible.

Mr. Toyama stated that the Democratic Party is opposed to that portion of the reapportionment plan that excluded military dependents from the population base. He motioned that they have a right to be represented by their respective representative even though they might not vote. (A written copy of his testimony is available for review at the reapportionment office.)

B. Testimony by Mr. Scott Smart

Mr. Smart opposed the exclusion of military dependents from the population base. He mentioned that he is a resident of Hawaii (owns a house, pays Hawaii State income tax, and has Hawaii driver's license) but his wife is an active duty military personnel that claimed residency in a state other than Hawaii. He mentioned that he learned that because his wife is a "non-resident military personnel" he has also been excluded from the State reapportionment population base.

Mr. Smart said he had read the decision of a court case in Virginia, *Davis v. Mann*, which dealt directly with the question of representation of "military-related personnel". He claimed that he is being denied representation because of his marital status and his spouse's occupation, which he felt is a direct violation of the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution.

Mr. Smart asked that the Commission right the wrong that it has done otherwise he feels that it will only open the State to legal challenges in the Federal Courts.

Minutes of the Fourteenth Regular Meeting of the 2001 Reapportionment Commission
Page 7

C. Testimony by Ms. Lynne Matusow, Downtown Neighborhood Board Member

Ms. Matusow mentioned that she is opposed to the district lines in the Waikiki/Downtown district. She feels that Waikiki and Downtown have no commonalities. She claimed that in the past, districts were drawn from mountain to sea but that this new Waikiki/Downtown district is drawn from east to west.

D. Testimony by Mr. Larry Meachem, Common Cause Hawaii

Mr. Meachem asked the Commission for a public explanation of the change in the Hawaii Kai Senate seat.

Chairperson Minami mentioned that the Commission will discuss that topic during the decision making process.

E. Testimony by Mr. Clifton Takamura, McCully/Moiliili Neighborhood Board No. 08

Mr. Takamura mentioned that one can never please everybody. He said that he felt that the Commission has drawn the plans the best they can, based on the census numbers that were received. He commended the Commission for the work that the members have done through the difficulties and hardships that they had to face.

F. Testimony by Senator Sam Slom, Senator of the 8th Senatorial District

Senator Slom congratulated the Commission for the hard work that has been put in. He asked to set the records straight that he had never asked anyone on the Commission or any other person to do anything in regards to the 8th Senatorial district or any other senate or house district. He mentioned that the only request that he had was the elimination of canoe districts.

Senator Slom stated that he neither sought any changes nor did anyone talk to him about any changes in his district. He stated that he neither sought nor approved any changes regarding his senatorial district.

Senator Slom mentioned that he is in support for keeping communities together and whole.

G. Testimony by Ms. Shannon Wood, Koolau News

Ms. Wood stated that she is in agreement with Senator Slom on the particular issue of the senatorial districts. She mentioned that Waimanalo is unique being located between two other communities. There has been a close relationship formed between Waimanalo and Kailua and to a lesser extent between Waimanalo and Hawaii Kai because Hawaii Kai is part of the Ahupua'a of Waimanalo.

Ms. Wood stated that she is in agreement with Mr. Goodenow in regards to the issue of the non-resident military population.

Ms. Wood expressed gratitude to the Commission for the hard work that has been done.

VI. Decision Making

A. Adoption of the Congressional, House and Senate District Plans

Commissioner Frierson moved that the Reapportionment Commission shall adopt the Congressional, Senate and House plans as proposed by the Technical Committee for the final reapportionment and redistricting plans for the State of Hawaii. Commissioner Rae seconded the motion.

Discussion:

1. In response to Mr. Meachem's question, Commissioner Frierson explained the reason Hawaii Kai was redrawn in the proposed amendment for the final plan in response to Mr. Meachem's question. She mentioned that upon removal of the dependents of non-resident military from the State reapportionment population base, there would be difficulty in drawing the senate district lines in all parts of Oahu, not just Hawaii Kai. She felt that after driving through Hawaii Kai, the most reasonable way to solve the problem of the drastic shift in population and having to split a community was to carry over the senate district around Makapu'u.
2. Chairperson Minami expressed his view on some of the proposed changes. The revised reapportionment plan represented significant changes to the plan that was presented at the initial set of public hearings. As a result, a second round of public hearings was scheduled for public input. There were many testimonies to keep communities intact and the Commission tried to do that as much as the numbers would allow. Most of the changes in the proposed amendments were done to meet the requests of the public. Two of the proposed changes: Senate District 8 & 25 and the Maui House District did not receive public testimony regarding those changes. Not having had testimony at the public hearings requesting the changes, he felt that the Commission should stay with the proposed plan presented at the hearings. As a result, Chairperson Minami is opposed to the two mentioned changes, but is in favor of the other proposed changes.
3. Commissioner Masumoto expressed disagreement with the statement that the Chairperson made. He stated that there was written testimony submitted to the Commission regarding the proposed changes. Chairperson Minami clarified that he said no oral testimony was presented at the public hearing in Maui. Commissioner Frierson expressed her support for the Maui House

change in Waikapu. Chairperson Minami mentioned that he is opposed to the amendment because it splits Paia which was originally intact.

Roll Call:

Commissioners Akiona, Frierson, Hoo, Jim On, Lum, Masumoto, Rae and Chairperson Minami voted yes to adopt the Technical Committee's proposed Congressional, Senate, and House plans as the Commission's final reapportionment and redistricting plans. Commissioner Kinney was absent and excused from voting. With eight (8) affirmative votes and one (1) excused, the motion was carried.

B. Staggered Terms for the Senate Seats

Chairperson Minami referred the Commission to the handout provided by the Commission's technical staff outlining the methodology and proposed designation of the staggered senate terms.

Commissioner Frierson moved that the Commission adopt the designation of staggered senate terms for the 2002 election as set forth in the handout submitted by the Commission's technical staff. Commissioner Jim On seconded the motion.

Roll Call:

Commissioners Akiona, Frierson, Hoo, Jim On, Lum, Masumoto, Rae and Chairperson Minami voted yes to adopt the designation of staggered senate terms for the 2002 elections as set forth in the handout submitted by the Commission's technical staff. Commissioner Kinney was absent and excused from voting. With eight (8) affirmative votes and one (1) excused, the motion was carried.

C. Minor Changes to the Reapportionment Plan

Commissioner Frierson moved that the Reapportionment Staff be permitted to make minor adjustments to the adopted boundaries to remove legislative pockets and to follow better-named features, providing that the change affects fewer than 200 people and the basic island unit deviations do not exceed plus or minus 4.9 percent. Commissioner Hoo seconded the motion.

Discussion:

Chairperson Minami said that there are the County district lines, State legislative lines and the Congressional lines, and that those lines don't always match for voting precinct purposes. He mentioned that it would make sense to make the lines coincide since such a change would not impact a lot of people. Chairperson Minami stated that the reason for the motion is justified and

emphasized that the limitation would be that the changes would not affect more than 200 people and would not cause the district deviations to go over the 4.9 percent deviation set for each basic island unit.

The motion was carried unanimously by the Commissioners in attendance.

VII. Correspondence and Announcements

Chairperson Minami noted receipt of the following correspondence:

- Letter from Chief Election Officer, Dwayne Yoshina, regarding the late filing of the Reapportionment Plan
- Testimony from Janis M. Higaki
- Testimony from Howard Ikeda
- Testimony from Myrna B. Murdoch
- Testimony from William Harrison
- Testimony from Ryan and Sharlene Ideue
- Testimony from Jane and Garald Handen
- Testimony from Ceanne Englar

VIII. Other Business

Chairperson Minami asked the Commission project staff to outline a timetable of what can be expected with respect to the further work required of the Commission. Mr. Rosenbrock outlined the calendar as follows:

December	14	Turn in the reapportionment plan to the Chief Elections Officer
	28	Turn in interim report to the Legislature
January	15	Turn in the final report to the Legislature (estimated date)

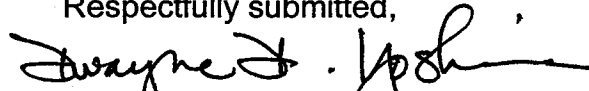
**Minutes of the Fourteenth Regular Meeting of the 2001 Reapportionment Commission
Page 11**

IX. Adjournment

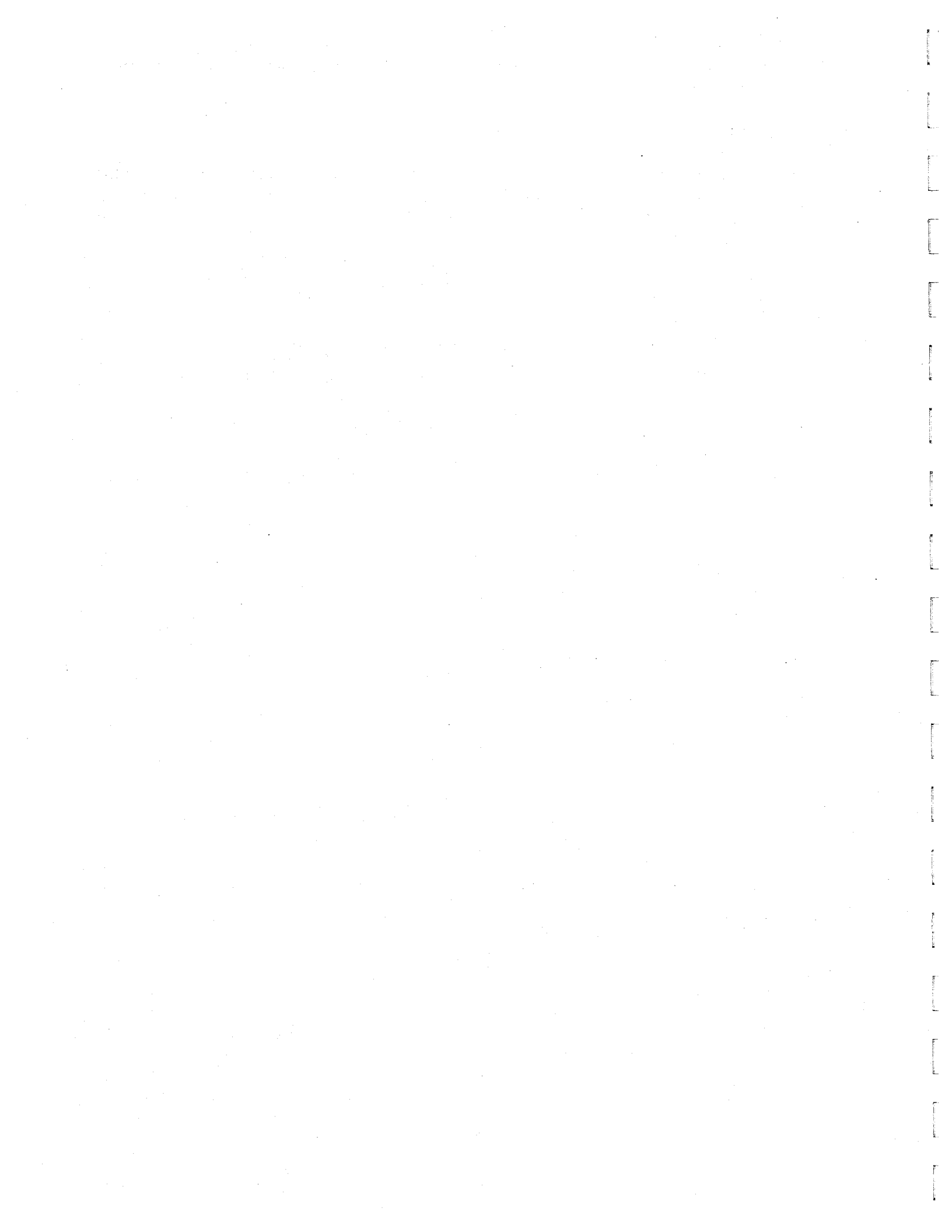
There being no other business to discuss, Commissioner Frierson moved to adjourn the Fourteenth Meeting of the 2001 Reapportionment Commission. Commissioner Rae seconded the motion. The motion was carried unanimously by the Commissioners in attendance.

The Fourteenth Regular Meeting of the 2001 Reapportionment Commission was adjourned at 3:25 p.m.

Respectfully submitted,



Dwayne D. Yoshina
Chief Election Officer
Secretary of the
2001 Reapportionment Commission



APPENDIX A

Revision	Location	Legislative body	Map	Permanent Residents moved	Reason
1	Kauai, Koloa & Lawai	House	Yes	627 from Dist. 16 to 15 850 from Dist. 15 to 16	road access
2	Kauai, Waialua	House	No	60 from Dist. 14 to 15	
3	Oahu, Kalaeloa (Barbars Point)	House	Yes	35 from Dist. 44 to 40	
4	Oahu, Kalaeloa (Barbars Point)	Senate	Yes	35 from Dist. 20 to 19	
5	Oahu, West of Waipahu	Congress	No	0 from Dist. 1 to 2	agreement with Senate
6	Oahu, West of Waipahu	House	No	0 from Dist. 42 to 40	agreement with Senate
7	Oahu, Waipahu Vicinity	Senate	Yes	0 from Dist. 20 to 19	
8	Oahu, Waipahu	House	Yes	2628 from Dist. 18 to 19 3262 from Dist. 19 to 18 723 from Dist. 17 to 18 3925 from Dist. 36 to 35 2090 from Dist. 36 to 37 4652 from Dist. 35 to 36 588 from Dist. 34 to 36 0 from Dist. 35 to 42	
9	Oahu, Mililani	House	Yes	688 from Dist. 37 to 38	
10	Oahu, Mililani Mauka	Senate	Yes	2398 from Dist. 22 to 17	
11	Oahu, North of Wahiawa	House	Yes	261 from Dist. 39 To 46	
12	Oahu, Aiea	Senate	No	124 from Dist. 16 To 14	indeterminable census boundary
13	Oahu, Kailih	House	Yes	1477 from Dist. 27 to 28	
14	Oahu, Makiki Heights	House	Yes	954 from Dist. 25 to 26	
15	Oahu, Moiliili & Makiki	Senate	Yes	225 from Dist. 26 to 25 1740 from Dist. 10 to 11 769 from Dist. 11 to 10 0 from Dist. 12 to 11	
16	Oahu, Moiliili	House	No	0 from Dist. 23 to 22	
17	Oahu, Waikiki	House	Yes	383 from Dist. 23 to 21	
18	Oahu, Kapahulu & Kaimuki	House	Yes	551 from Dist. 19 to 21 124 from Dist. 21 to 19	
19	Oahu, Hawaii Kai	Senate	Yes	7841 from Dist. 8 to 25 6911 from Dist. 25 to 8	agreement with Senate
20	Maui, Kahului	House	Yes	1758 from Dist. 8 to 9	
21	Maui, Wailuku	House	Yes	1115 from Dist. 10 to 8	
22	Maui, Wailuku	Senate	Yes	1115 from Dist. 5 to 4	

23	Maui, Paia & Haliimaile	House	Yes	1310 from Dist. 9 to 13 2 from Dist. 9 to 12 895 from Dist. 13 to 12	
24	Maui, Paia	Senate	Yes	1312 from Dist. 4 to 6	
25	Maui, Ulupalakua	House	No	22 from Dist. 12 to 11	indeterminable census boundary
26	Maui, Ulupalakua	Senate	No	22 from Dist. 6 to 5	indeterminable census boundary
27	Hawaii, Hawi & Waimea	Senate	Yes	6038 from Dist. 1 to 3 7499 from Dist. 3 to 1	
28	Hawaii, Saddle Road & Puna	House	Yes	0 from Dist. 1 to 7 0 from Dist. 1 to 5 0 from Dist. 5 to 4	agreement with County Council
29	Hawaii, Saddle Road	Senate	Yes	0 from Dist. 1 to 3	agreement with County Council

CONGRESSIONAL TARGETS AND DEVIATIONS - 30 November 2001

HAWAII	POPULATION	STATEWIDE DEVIATION	
Statewide	1211537		0.31%

DISTRICT	POPULATION	TARGET	DEVIATION
01	606718	605769	0.16%
02	604819	605769	-0.16%

State of Hawaii			0.31%
------------------------	--	--	--------------

APPENDIX A

HOUSE TARGETS AND DEVIATIONS - 30 November 2001

BIU	POPULATION	WITHIN BIU DEVIATION	STATEWIDE DEVIATION
Honolulu	790233	9.5%	9.7%
Hawaii	147806	9.7%	9.2%
Maui	128003	9.2%	8.9%
Kauai	58288	2.6%	2.3%
Statewide	1124330	9.7%	20.1%

DISTRICT	POPULATION	BIU TARGET	WITHIN BIU DEVIATION	STATEWIDE TARGET	STATEWIDE DEVIATION
01	21601	21115	2.3%	22046	-2.0%
02	21630	21115	2.4%	22046	-1.9%
03	20796	21115	-1.5%	22046	-5.7%
04	22138	21115	4.8%	22046	0.4%
05	21396	21115	1.3%	22046	-2.9%
06	20149	21115	-4.6%	22046	-8.6%
07	20096	21115	-4.8%	22046	-8.8%
Hawaii	147806		9.7%		9.2%
08	20597	21334	-3.5%	22046	-6.6%
09	22012	21334	3.2%	22046	-0.2%
10	20356	21334	-4.6%	22046	-7.7%
11	20423	21334	-4.3%	22046	-7.4%
12	22321	21334	4.6%	22046	1.2%
13	22294	21334	4.5%	22046	1.1%
Maui	128003		9.2%		8.9%
14	19752	19429	1.7%	22046	-10.4%
15	19281	19429	-0.8%	22046	-12.5%
16	19255	19429	-0.9%	22046	-12.7%
Kauai	58288		2.6%		2.3%
17	21928	22578	-2.9%	22046	-0.5%
18	21529	22578	-4.6%	22046	-2.3%
19	21580	22578	-4.4%	22046	-2.1%
20	21892	22578	-3.0%	22046	-0.7%
21	22649	22578	0.3%	22046	2.7%
22	22554	22578	-0.1%	22046	2.3%
23	21584	22578	-4.4%	22046	-2.1%
24	22406	22578	-0.8%	22046	1.6%
25	22717	22578	0.6%	22046	3.0%
26	23128	22578	2.4%	22046	4.9%
27	21820	22578	-3.4%	22046	-1.0%
28	23674	22578	4.9%	22046	7.4%
29	23147	22578	2.5%	22046	5.0%
30	21769	22578	-3.6%	22046	-1.3%
31	23631	22578	4.7%	22046	7.2%
32	23606	22578	4.6%	22046	7.1%
33	21956	22578	-2.8%	22046	-0.4%
34	22804	22578	1.0%	22046	3.4%
35	22670	22578	0.4%	22046	2.8%
36	21962	22578	-2.7%	22046	-0.4%
37	23445	22578	3.8%	22046	6.3%
38	23485	22578	4.0%	22046	6.5%
39	23041	22578	2.1%	22046	4.5%
40	23115	22578	2.4%	22046	4.8%
41	23062	22578	2.1%	22046	4.6%
42	22077	22578	-2.2%	22046	0.1%
43	23238	22578	2.9%	22046	5.4%
44	21956	22578	-2.8%	22046	-0.4%
45	21612	22578	-4.3%	22046	-2.0%
46	23505	22578	4.1%	22046	6.6%
47	23531	22578	4.2%	22046	6.7%
48	23373	22578	3.5%	22046	6.0%
49	21781	22578	-3.5%	22046	-1.2%
50	22261	22578	-1.4%	22046	1.0%
51	21745	22578	-3.7%	22046	-1.4%
Honolulu	790233		9.5%		9.7%
State of Hawaii			9.7%		20.1%

APPENDIX B

SENATE TARGETS AND DEVIATIONS - 30 November 2001

	BIU POPULATION	WITHIN BIU DEVIATION	STATEWIDE DEVIATION
Honolulu	790233	8.8%	8.5%
Hawaii	147806	1.9%	2.1%
Maui	128003	9.0%	8.5%
Kauai	58288	0.0%	29.6%
Statewide	1124330	9.0%	38.9%

DISTRICT	POPULATION	BIU TARGET	WITHIN BIU DEVIATION	STATEWIDE TARGET	STATEWIDE DEVIATION
01	49731	49269	0.9%	44973	10.6%
02	49289	49269	0.0%	44973	9.6%
03	48786	49269	-1.0%	44973	8.5%
Hawaii	147806		1.9%		2.1%
04	42609	42668	-0.1%	44973	-5.3%
05	40779	42668	-4.4%	44973	-9.3%
06	44615	42668	4.6%	44973	-0.8%
Maui	128003		9.0%		8.5%
07	58288	58288	0.0%	44973	29.6%
Kauai	58288		0.0%		29.6%
08	44552	43902	1.5%	44973	-0.9%
09	45809	43902	4.3%	44973	1.9%
10	43659	43902	-0.6%	44973	-2.9%
11	45048	43902	2.6%	44973	0.2%
12	44250	43902	0.8%	44973	-1.6%
13	45202	43902	3.0%	44973	0.5%
14	44669	43902	1.7%	44973	-0.7%
15	44163	43902	0.6%	44973	-1.8%
16	45620	43902	3.9%	44973	1.4%
17	44214	43902	0.7%	44973	-1.7%
18	43112	43902	-1.8%	44973	-4.1%
19	43329	43902	-1.3%	44973	-3.7%
20	42297	43902	-3.7%	44973	-6.0%
21	41966	43902	-4.4%	44973	-6.7%
22	42435	43902	-3.3%	44973	-5.6%
23	44372	43902	1.1%	44973	-1.3%
24	42254	43902	-3.8%	44973	-6.0%
25	43282	43902	-1.4%	44973	-3.8%
Honolulu	790233		8.8%		8.5%
State of Hawaii			9.0%		38.9%
State of Hawaii excluding Kauai					19.9%



STAGGERED TERMS FOR 2002 ELECTIONS

District	Term (years)
1	2
2	4
3	2
4	4
5	2
6	2
7	2
8	4
9	4
10	4
11	4
12	2
13	4
14	4
15	4
16	2
17	2
18	2
19	4
20	4
21	2
22	2
23	2
24	4
25	4

**CALCULATION OF STAGGERED SENATE TERMS IN 2002 ELECTION
BY PERCENT POPULATION THAT HAD A SENATE ELECTION IN 2000**

PROPOSED/ AMENDED DISTRICT	STATE BASE POPULATION	POPULATION THAT HAD SENATE ELECTION IN 2000	PERCENT	TWO YEAR TERM
05	40779	0	0%	yes
07	58288	0	0%	yes
17	44214	0	0%	yes
18	43112	0	0%	yes
21	41966	0	0%	yes
22	42435	0	0%	yes
23	44372	4387	10%	yes
16	45620	9328	20%	yes
12	44250	12695	29%	yes
03	48786	23022	47%	yes
06	44615	21298	48%	yes
01	49731	25808	52%	yes
09	45809	26245	57%	no
04	42609	24805	58%	no
13	45202	28838	64%	no
19	43329	31018	72%	no
11	45048	35167	78%	no
10	43659	36892	85%	no
15	44163	37663	85%	no
20	42297	41737	99%	no
02	49289	49289	100%	no
08	44552	44552	100%	no
14	44669	44669	100%	no
24	42254	42254	100%	no
25	43282	43282	100%	no

**CALCULATION OF STAGGERED SENATE TERMS IN 2002 ELECTION
BY PROPOSED/AMENDED DISTRICT**

PROPOSED/ AMENDED DISTRICT	STATE BASE POPULATION	POPULATION THAT HAD SENATE ELECTION IN 2000	PERCENT	TWO YEAR TERM
01	49731	25808	52%	yes
02	49289	49289	100%	no
03	48786	23022	47%	yes
04	42609	24805	58%	no
05	40779	0	0%	yes
06	44615	21298	48%	yes
07	58288	0	0%	yes
08	44552	44552	100%	no
09	45809	26245	57%	no
10	43659	36892	85%	no
11	45048	35167	78%	no
12	44250	12695	29%	yes
13	45202	28838	64%	no
14	44669	44669	100%	no
15	44163	37663	85%	no
16	45620	9328	20%	yes
17	44214	0	0%	yes
18	43112	0	0%	yes
19	43329	31018	72%	no
20	42297	41737	99%	no
21	41966	0	0%	yes
22	42435	0	0%	yes
23	44372	4387	10%	yes
24	42254	42254	100%	no
25	43282	43282	100%	no



APPENDIX B
SUMMARY OF CORRESPONDENCE RECEIVED



CORRESPONDENCE RECEIVED

1. The Koolau News, Shannon Wood, Editor & co-Publisher dated July 20, 2001. Objected to splitting Windward O'ahu into two Congressional Districts.
2. Ms. Edith Casamina Pascual, 94-1101 Eleu St., Waipahu, Hawaii 96797, dated July 23, 2001. Expressed a preference that Waipahu be in one Congressional district, preferably in the First Congressional District.
3. Bill Eager, Cannon and Eager, HCR 1, Box 5164, Kea'au, HI 96749 dated July 26, 2001. Request for CD of redistricting effort. Sent July 26, 2001 via Priority Mail.
4. Miles Matsumura, 1511 Nuuanu Ave., Unit 2, Hon, HI 96817-3702 dated July 26, 2001. Lives at Queen Emma Gardens Apartment complex on the fringe of the 25th Rep. District. Recommends the complex be placed in the 26th Rep. District (Nuuanu) that they identify with.
5. Common Cause Hawaii, P.O. Box 235353, Hon., HI 96823-3505 dated July 26, 2001. Objects to information released to Legislators that is withheld from the public.
6. Maui County Reapportionment Advisory Council dated July 24, 2001. Requests the following recommendation be made in the 2001 Reapportionment Commission final report: "Future Reapportionment Commission membership should be determined on a proportional basis of citizen population to insure that each neighbor island county has representation as well as a voice on the Commission."
7. Clifton H. Takamura, Member, McCully-Moilili Neighborhood Board, District-08, 2249 Date Street, Apt-#3, Honolulu, HI, dated July 27, 2001. Would like to see end of separated House and Senate districts.
8. Millie Kim, 2645 Kaiwiki Road, Hilo, HI 96720 dated 7-31-01. Wanted to know the impact of reinstatement of multi-member districts and its impact on canoeing.
9. Feliza Butac, Flora Butac and Cirila Acob dated 7-28-01. Residents of Waipahu supporting Congressman Neil Abercrombie and requesting Waipahu becoming part of the First Congressional District.
10. Lilia R. Aciq and Juliana Aciq dated 7-28-01. Residents of Waipahu supporting Congressman Neil Abercrombie and requesting Waipahu becoming part of the First Congressional District.
11. Ernesto Butac, Francisca Butac and Lilileith Butac dated 7-28-01. Residents of Waipahu supporting Congressman Neil Abercrombie and requesting Waipahu Becoming part of the First Congressional District.

12. COMMON CAUSE HAWAII dated 7-31-2001. Spokesperson Larry Meacham proposing a possible method to reduce the number of Senate Canoe Districts.
13. THE LEAGUE OF WOMEN VOTERS OF HAWAII dated 7-31-01. Spokesperson Jean Aoki wants to see the redistricting lines drawn honestly, impartially and objectively.
14. OFFICE OF INFORMATION PRACTICES, Moya T. D. Gray, Director, dated July 30, 2001, outlining the Office of Information Practices (OIP) procedures to receive and resolve complaints regarding the Sunshine Law. Includes attachment of Common Cause Hawaii letter dated July 26, 2001 (Appendix #5).
15. OFFICE OF INFORMATION PRACTICES letter dated July 30, 2001, RE: Request for Records.
16. Senator Les Ihara, Jr., request for reapportionment data, dated August 2, 2001.
17. Response to Senator Les Ihara, dated August 06, 2001
18. Esteban B. Tumulip, Maura B. Tumulip and Irene G. Murao, 94-1191 Kahuaina St., Waipahu, HI 96797. Mr. & Mrs. Cris and Mario Javier, 94-1201 Kahuaina St., Waipahu, HI 96797. Mr. & Mrs. Eufemio M. Cabudal, 94-1199 Kahuaina St., Waipahu, HI 96797. All eight individuals support Waipahu as part of the First Congressional District and support Congressman Neil Abercrombie as their Representative to the U.S. Congress.
19. Martha Morishige, Orchid Land, Puna, HI, undated. Suggests the Big Island needs more than two public Hearings. Suggests 4-6 public hearings because the island is so large.
20. Hawai'i County Reapportionment Advisory Council dated 8-02-01. Letter supporting neighbor island representation on the Reapportionment Commission.
21. Maui Meadows Neighborhood Association, Hank Levaur, President dated 8-29-01. Resolution Supporting Constitutional Challenge to 2001 Reapportionment Commission Action with respect to choice of Apportionment Population Base.
22. Former Hawaii County Legislators Senator Richard Henderson and Representative Robert N. Herkes dated 8-28-01. Letter questioning the legality of the proposed reapportionment plan and appealing for fairness.
23. Senator Brian Taniguchi letter dated 8-31-01 recommending changes to Senate District #11.
24. Hawaii Island Economic Development Board Chairman Barry Taniguchi dated 8-22-01. Reporting that the HIEDB's Board of Directors and membership have voted

unanimously to Avoid “Canoe District” Representation except in the case of Maui County’s tri-island composition.

25. Author is not identified in the communication. Rosenbrock identified the author as the “Admiral at Mililani”. The author urges the Commission to do whatever is necessary so that all of Waialua (and its high school) and all of Mokuleia remain a part of their North Shore communities and neighborhoods.
26. Walter Kenji Tomai dated 9-04-01. Supports the inclusion of aliens and military dependents. They pay the same taxes and obey the same laws. To deny them representation is against all the principles of fairness and equal representation.
27. Katherine Neill Harte dated 9-02-01. Accuses the Commission of not representing the voters of Hawaii and an attempt to protect the current political leadership. By eliminating the pro-reform members of the legislature – Sen. Ihara and Rep’s Case and Djou – sends a clear message that House and Senate leadership will not tolerate criticism. Also, Canoe districts are difficult to represent.
28. Rep. Mark Moses, dated 8-31-01, points out two apparent abnormalities in House District #49.
29. Jon Morimoto, dated 9-04-01, has difficulty finding the figures on racial/ethnic population. He was informed he was correct, racial/ethnic population figures are not available on the hawaiiredistricting.org website.
30. Priscilla V. Kubota dated 9-04-01, testimony in support of including non-resident students, non-resident military dependents and aliens in the Hawaii population base. In all respects they use the same services as legal residents and should be counted.
31. Rep Magaoay, dated 9-05-01, requests that Waialua High School and its general vicinity and portions of Mokuleia be included in the 45th District.
32. John A. Love, Kapaa, HI, dated 9-06-01, protests against canoe districts.
33. Ron Phillips, Hawaii County, dated 9-06-01. “This Commission has purposely proposed a re-districting plan which is unconstitutional, discriminatory, and unacceptable to the people”. Mr. Phillips recommends the plan be redrawn to eliminate canoe districts.
34. Representative Chris Halford, 9-06-01 requested a copy of the August 9th Reapportionment Committee hearing.
35. Don Tinker, Keaau, Hi, dated 9-06-01. Objects to lack of representation from the neighbor islands on the Commission. Brings to the attention of the Commission that the Constitution says that only permanent residents will be counted toward the voter base.

36. Don Tinker, Keaau, HI. Same message as above.
37. Galen Fox and Mindy Jaffe dated 9-07-01. Requests adjusting the proposed line separating proposed districts 26 and 28.
38. Mary Begier, Oahu Realtor dated 9-10-01, requests the Commission reconsider canoeing.
39. Don Jacobs, Pahoa, HI, dated 9-08-01 demands the Commission exclude all people who are not legally permanent residents of the State of Hawaii; Demands that the Commission revise its plan to eliminate canoe districts from the Island of Hawaii (?); Requests the Commission allow testimony from any and all persons attending the meeting even if they did not give 48 hours notice.
40. Tom Burnett, Pahoa, HI, dated 9-08-01. States that the Commission's plan is in violation with the Constitution of the State of Hawaii. Demands that the Commission exclude all people who are not legally permanent residents of the State of Hawaii; demands that the Commission revise its plan to eliminate canoe districts from the Island of Hawaii (?); requests that the Commission allow testimony from any and all persons attending the meeting even if they did not give 48 hours notice.
41. Chuck Clarke, Hawaii dated 9-09-01. Canoe districts are not fair to the people. The difficulty to service remote areas is in fact a disenfranchisement.
42. Mary Begier, Oahu Realtor, dated 9-10-01, informing Dwayne Yoshina of her intent to bring 12 copies of her testimony to the Hilo Hearing.
43. Kevin Wibberley, Hawaii, dated 9-10-01. Kevin and her husband unable to attend the public hearing but wants to record their strong opposition to the Commissions proposed plan.
44. Cynthia Nakamura, Maui, dated 9-12-01. Interested in knowing if the hearings scheduled for Sep. 12 and 13 on Maui will be held.
45. Julie Hugo, Hilo, HI, dated 9-11-01. Disagrees with the Commission's decision to include military dependents in the State population base. Uncomfortable with the composition of the Commission not having one Neighbor Island representative and opposes Canoe districts.
46. Kathy Clarke, Hawaii, dated 9-10-01. No to Canoe Districts.
47. Jeff Melrose, Hilo, HI, dated 9-10-01. Opposes inclusion of military dependants in the population base, opposes canoes, recommends we re-figure the numbers and re-draw the lines or go down in history as just another political Commission that missed its chance to serve the public in a fair and reasonable fashion.

48. Sharon Y. Miyashiro, Ph.D., J.D, resident of Punchbowl, Region Vice Chair, O'ahu County Committee of the Democratic Party of Hawai'i, dated 9-13-01. Testimony supporting integrity of neighborhoods in the proposed Senate District 13/Representative District 31.
49. Linda Lingle to David Rosenbrock dated 9-12-01. "Thanks for sending me a copy of the legal opinion by Brian Aburano on the matter of how to treat military dependents".
50. Mrs. Kathy Clarke dated 9-13-01. Please get rid of the unfair and unrealistic canoe districts.
51. Ron Weidenbach, Waialua, HI, dated 9-13-01. Supports amending the originally proposed canoe district boundaries to leave the Waialua High & Intermediate School and nearby Waialua/Mokuleia communities to and including Camp Mokuleia in their present district.
52. Suzanne Chun Oakland, State Senator, dated 9-11-01. Appreciates holding the Reapportionment Council public hearing at the State Capitol. Recommends that, with reference to Oahu, that the Neighborhood Board boundaries be considered in your decision making.
53. Lloyd and Diane O'Sullivan, Waialua, HI, dated 9-07-01. "As Mokuleia residents in the proposed "canoe" district, we strongly support the return of these areas of Mokuleia and Waialua to within existing neighborhood and community boundaries of the current Representative district."
54. BENEDICTINE MONASTERY OF HAWAII, Waialua, HI, 9-09-01. Suggests an unworkable solution to avoid canoeing and guarantee "Basic Island Unit" integrity.
55. Jeanne Fuller, Keaau, Hawaii, dated 9-13-01. Attended the Hearing held at Hilo on September 10 and agrees with all the people regarding "canoe districts".
56. Julie Jacobson, Councilwoman, Hawaii County Council, dated September 11, 2001. Testimony against the concept of "canoe" districts.
57. Meryl M. Anderson, resident of Haleiwa, dated September 13, 2001. Recommends moving Waialua High School and part of Mokuleia back into district #16.
58. Suemi Nakata, resident of Bingham Tract dated 9-17-2001. Objects to Bingham Tract being placed in the State House Manoa District.
59. Carl Takamura, Honolulu, dated September 14, 2001. Supports the inclusion of aliens and military dependents in the population base.

60. Diana Radich, Keaau, Hawaii dated 9-15-01. "Please do not make a Canoe district out of Paradise Park, Hawaiian Beaches and Hawaiian Shores".
61. B. Puni Kekauoha, President, Papakolea Community Association, dated September 14, 2001. Requests the Commission remove Kalawahine Streamside from District 24 (old) and add to House District 26 (old). The new community, Kalawahine Streamside that is a project of DHHL homesteaders was separated from the Papakolea Homesteaders. The request is to avoid separating the homesteaders.
62. Denise L. Ka'a'a, President of Kalawahine Streamside Association, dated September 18, 2001. Request similar to #61.
63. Bob Farrell, Makakilo, Kapolei, Hawaii, dated 9-17-01. A small sliver of Makakilo was placed into the adjacent district #50 in error. Farrel wants the sliver back into the 49th District.
64. Rep. Mina Morita requesting to appear before the Reapportionment Commission Wednesday, September 19, at Waipahu High School and Monday, September 24, 2001 at Lihue, Kauai.
65. Janet Inamine, Honolulu, dated September 14, 2001. The Moiliili community separated at University Avenue. Request is for Senator Taniguchi to represent the entire Moiliili community.
66. Common Cause Hawaii dated September 15, 2001. Request to view Senate and House Redistricting Plans.
67. Nancy L. Marker, Honolulu, dated September 17, 2001. Opposes the proposed division of the Moiliili community.
68. Wendy Coen, Honolulu, dated 9-19-01. A military dependent that supports including military dependents in the 2001 redistricting plans.
69. Jim Henshaw, Kailua, HI dated 9-18-01. Claims the proposed redistricting plan contains dozens of deliberate, willful violations of the State Constitution.
70. Aloha Coleman, principal of Waialua High and Intermediate School dated 9-20-01. Urges keeping the Waialua community together and to include Mokuleia.
71. Susan Smith, Waialua, dated 9-20-01. Requests consideration to keep the entire Mokuleia area and population under the Waialua District.
72. Michael Golojuch, Makakilo, 9-19-01. Urges the Reapportionment Commission take the necessary action to ensure that all of Makakilo is in the same House District.

73. Neal K. Tashiro, Kapolei, 9-20-01. Urges the Commission keep the entire Makakilo/Kapolei area in one district.
74. Gary Tasaka, Region IV, Vice-Chair, Oahu County Democratic Party. Supports the Commission including aliens and Military dependents.
75. Janice L. Low, Bingham Tract, 9-25-01. The proposed changes to the 11th Senatorial District would basically bring two entirely different communities together and create cultural disparity. Ms Low suggests the district extend from the back of Manoa Valley to the Ala Wai Canal and include Moiliili and McCully.
76. Russell Mokulehua, Region Vice Chair, Oahu County Committee of the Democratic Party of Hawaii, 9-24-01.
77. Craig Watanabe, Honolulu, 9-21-01. Opposes the removal of McCully and Moiliili neighborhoods from Sen. District 11.
78. Robert and Betty Steputis, Lihue, 9-21-01. Opposes the canoe district with Oahu. They are in a canoe district and never felt represented.
79. George Yamamoto, Chairman, Makakilo/Kapolei/Honokai Hale Neighborhood Board, 9-20-01. Thanked Steve Goodenow for attending the Neighborhood Board meeting and making a presentation. The Board voted to write a letter to the Reapportionment Commission requesting that the Palahia/Makakilo Heights Community reside in the 49th Representative District.
80. Rt. Rev. Wayne W. Gau, St. Louis Heights, 9-24-01. Rev. Gau urges the Commission align St. Louis Heights with Kapahulu, Palolo Valley with Kaimuki and Maunalani Heights with Kahala.
81. Pam Lee Smith, Ewa Beach, 9-25-01. Ms. Smith prepared a map with the Ewa Beach sub-division located in District 21.
82. Kauila Clark, Vice Chair for the Oahu County Democratic Party Region VII, and Makakilo resident, 9-19-01. Supports and commends the efforts of the Commission. Recommends the Commission subtract upper Makakilo from District 50 and add that portion back in House District 49. Otherwise, agrees with actions of the Commission.
83. Ned Selfe, Kalaheo, 9-26-01. Urges the end of Canoe Districts in Hawaii. Miles Mulcahy
84. J. Yoshimoto, Chair and Miles Mulcahy, Vice Chair the Hawaii County Democratic Party, 9-21-01. The Hawaii County Democratic Party does NOT support a "canoe" district between Maui and the Big Island.

85. KULA COMMUNITY ASSOCIATION, 9-06-2001. Disagrees with the Oahu favoring bias of the all Oahu member Commission and the decision of including non-resident military dependents and urges the fair minded people of all our islands to protest the Reapportionment plan.
86. Shirley Spencer, Hawaii County Advisory Board, 9/27/01. Eliminate the canoe districts at any cost.
87. Margery H. Freeman, 9/28/01. Remove canoe districts.
88. Albi Mateo, General Manager, Royal Kunia Community Association, 9/27/01. Requests that RKCA be kept in one district.
89. Maryanne W. Kusaka, Mayor, County of Kaua'i, 9/24/01. Prefers the proposed House canoe to existing canoe with Maui. Objects to the Senate canoe with an urban district on Oahu.
90. Peter M. Kaanapu, 10/01/01. Non-resident aliens and military personnel who aren't registered to vote in Hawaii should not be counted in the population.
91. Murna Zezza, 10/01/01. Delighted to hear on local television news that we are abandoning canoe districts.
92. Marjorie Erway, 10/01/01. West Hawaii deserves a Senate district centered in Kailua, Kona. Urges Mayor Kim to join Maui in suing if military dependants are counted.
93. Nita Isherwood, Captain Cook, HI, 10/02/01. Requests the Commission reconsider decision to include military dependents and create canoe districts.
94. Sandra Scarr, Holualoa, Hawaii, 10/02/01. Counting military dependents creates unnecessary, political and legal problems, including canoe districts that will not occur if military dependents are not counted as permanent residents.
95. Burton Goldenberg, 10/02/01. It would be an injustice to tie Bingham Tract to Manoa. Military dependents should not be counted.
96. Kevin and Cathy Wong, 10/02/01. Makakilo belongs in the Kapolei district not the Mililani District.
97. Lawrence Moore, Waianae, Hawaii, 10/03/01. Aliens and military dependents should not be disenfranchised. Cannot think of a more un-American act than to take away the fact of their existence in our community.

98. Mike Golojuch, 10/03/01. Makakilo is directly connected to the Leeward Coast. Makakilo is in the Mayor's Leeward Region for vision efforts. Although Mililani is a fine community, we have no direct link to that community.
99. Pat Hunter-Williams, 10/03/01. Disturbed to read that Kauai will be receiving three representatives and only one Senate District. Feels Kauai should have two Senators.
100. Bob and Pat Aeder, Kailua-Kona, 10/03/01. Do not include military dependents as residents and do not canoe.
101. Miriam and Joe Prigge, Kapaa, Kauai, Oct 2001. Please get rid of the canoe.
102. Clifton Takamura, McCully/Moilili Neighborhood Board, 10/03/01. Recommends keeping the current district and numbers intact but use the Neighborhood Board regional maps as a guide.
103. Residents of the Kulana Hale Senior Apartments area, Makiki. Residents do not want parts of the Kulana Hale Senior Apartments area to be placed into Makiki District.
104. Representative Roy Takumi, 10/04/01. Would like the Commission to consider retaining precinct one in the newly created 40th district. This would enable those residents to continue to be in the same district they have been in for the past nine years.
105. Gordon and Ana Monroe, Kona, Hawaii, 09/28/01. The proposed appears to increase Oahu representation at the expense of the rest of the State.
106. Larry and Brenda Ford, Captain Cook, Hawaii 9/29/01. Do the right thing with non-resident military dependents and do away with canoe districts.
107. Scott and Geordine Susman, Kailua-Kona, 9/29/01. Take your draft for reapportionment back to the drawing board and do away with canoe districts and military dependents.
108. Russ Laros, Kailua-Kona, 9/30/01. Do not include military dependents as residents.
109. Luella Wiese, Kailua-Kona, 9/30/01. Eliminate the proposed Senate District 4 to cover new boundaries of House District 4 and 5 on the Kona side of the Big Island. Do not include military dependents as residents.
110. Peter Martin, President, Citizens for Equitable and Responsible Government (CERG), 10/04/01. Urges the Commission not to count military dependents as permanent residents. Further, the State receives Federal subsidies to underwrite the cost and impact of the dependent children of military personnel attending local public schools. If truly permanent residents, there would be no subsidy.

111. Jeanette Nekota, Chair, Mililani Mauka/Launani Valley Neighborhood Board No. 35, October 04, 2001. Resolution recommending that the State Reapportionment Commission re-examine and re-evaluate the line boundaries in Launani Valley to include Launani Valley in the same State House District as Mililani Mauka.
112. Andrew Nakagawa, 10/04/01. Concerned that the reapportionment plan as drafted is not in the best interests of the voters in Puna.
113. Kevin Mulligan, 10/04/01. Objects to the disparate interests contained in the proposed Senate District #11.
114. Maui County Council, Resolution No. 01-169, 10/04/01. REQUESTING THE STATE REAPPORTIONMENT COMMISSION TO RECONSIDER ITS PRELIMINARY REDISTRICTING PLAN. Resolution requests removal of non-resident military dependents and avoid "canoe districts".
115. Jeff Falkner, Waikoloa, Hawaii, 10/05/01. Objects to inclusion of military dependents as permanent residents and illegal gerrymandering.
116. Tyler Lee, Lahaina, Maui, 10/04/01. Feels that inclusion of non-resident military dependents hurts all permanent residents on the neighbor islands.
117. Joseph Pluta, Maui, 10/05/01. Objects to inclusion of military dependents. Feels the neighbor islands deserve fair and equal consideration with respect to representation.
118. Carole Amoral, Maui, 10/05/01. Objects to inclusion of non-resident military dependents.
119. Four County Clerks and the State office of Election. Recommended changes.
120. Royal Kunia Community Association, proposed reapportionment of existing house district 42.
121. Roy T. Hiraga, County Clerk, County of Maui, Resolution No. 01-169, adopted by the Council on October 04, 2001. "Requesting the State Reapportionment Commission to Reconsider Its Preliminary Redistricting Plan.
122. Glenys L. Spitze, Kailua-Kona, concerned with including military dependents and canoe districts.
123. Beryl Blaich, Kilauea, 10/17/2001, thank you for listening.
124. Kula Community Association, Kula, Maui, 10/17/2001, thank you for reversing your decision on "canoe" districts.

125. Senator Rod Tam, 10/22/2001, presented a petition supporting the Senatorial District 13 boundaries as currently proposed.
126. Nikhilananda, Makawao, Maui, 10/23/2001, thank you for deleting military dependents and canoe districts.
127. Senator Calvin Kawamoto, requests a modification of the proposed 19th district in light of elimination of canoe districts and elimination of military dependents.
128. Pat Hunter-Williams, Kauai, 10/29/2001, concerned with the decreased Senatorial representation which Kaua'i will get in the revised plan.
129. Senator Rod Tam, 10/22/01, disagrees with Sharon Miyashiro's proposed change for the 12th and 13th Senatorial District.
130. Paula Z. Helfrich, Hilo, 11/02/01, Reapportionment Commission Kudo's.
131. Joan Vinton, Ewa Beach, from Rep. Mark Moses. Does not want Kapolei separated from Makakilo nor Ewa Beach separated from Waipahu.
132. Mitsuru Sakamoto, Pearl City, 11/19/01. Currently, there are two districts (District 35 and 36) that include parts of Pearl City and Waipahu. District 35 should be totally Waipahu.
133. Jean H. Takase, Pearl City, 11/19/01. Letter similar to #131.
134. Stanley and Margie Orimoto, Pearl City, 11/19/01. Letter similar to #131.
135. Larry and Nancy Yogi, Pearl City, HI, 11/19/01. Letter similar to #131.
136. Diana Agor, Pearl City, 11/21/01. Letter similar to #131.
137. Fay Kawabara, Pearl City, 11/21/01. Letter similar to #131.
138. Marcilina R. Caustro, Pearl City, 11/21/01. Letter similar to #131.
139. Nelson T. Moriwaki, Pearl City, 11/21/01. Letter similar to #131.
140. Perry Nakayama, Pearl City, 11-21-01. Letter similar to #131.
141. Audry Iha, Pearl City, 11/21/01. Letter similar to #131.
142. Yokette Choi, Pearl City, 11/21/01. Letter similar to #131.
143. Joyce M. Shimabukuro, Pearl City, 11/27/01. Letter similar to #131.

144. Jamie Rebuldela, Pearl City, 11/27/01. Letter similar to #131.
145. Stephanie Hokushin, Pearl City, 11/27/01. Letter similar to #131.
146. Andrew M. Fox, Pearl City, 11/27/01. Letter similar to #131.
147. Jane Ross, Honokai Hale resident, 11/27/01. Requests that Kalaeloa (formerly Barbers Point) be taken from Ewa/Ewa Beach Senate district and added to the same Senate district as Makakilo, Kapolei and Honokai Hale.
148. L. Dew Kaneshiro, Waipahu, 11/26/01. Wants Waipahu a district of its own.
149. Allen Ogata, Kahului, 11/27/01. Against incorporating rural Paia with Kahului in the 9th Representative district.
150. Hakakaru Ibara, Kahului, 11/27/01. Letter similar to #148.
151. Representative Terry Nui Yoshinaga, Honolulu, 11/27/01. Residents of the Bingham Tract area do not want to be redistricted to be a part of Manoa. Recommends substituting an area of the University of Hawaii Area with a part of the proposed District 22 that would support a sense of identity for the Bingham Tract area and the University of Hawaii area, rather than a division of these communities.
152. Mae Karimoto, Wailuku, 11/27/01. Letter addressed to Commissioner Masumoto. Recommends the 9th Representative district be retained as is. The proposed district incorporates rural Paia with Kahului into the 9th Representative District. She requests reconsideration of the proposed 9th District in favor of retaining the current configuration.
153. Don Karimoto, Wailuku, 11/27/01. Letter addressed to Commissioner Masumoto similar to #151.
154. Yvonne Kishi, Kahului, 11/27/01. Letter addressed to Commissioner Masumoto similar to #151.
155. Janis N. Higaki, 11/29/01. Expressed appreciation to the Commission for addressing her concerns regarding Manoa, McCully and Moiliili areas.
156. Howard Ikeda, 11/27/01. Letter addressed to Commissioner Masumoto similar to #151.
157. Myrna B. Murdoch, Honolulu, 11/27/01. Testimony supporting inclusion of military dependents in the population base.
158. William Harrison, Pearl City, 11/30/01. Letter similar to #131.

159. Ryan and Shirlene Ideue, Pearl City, 11/30/01. Letter similar to #131.
160. Jane and Harold Hanadon, Pearl City, 11/30/01. Letter similar to #131.
161. Ceanne Englar, Pearl City, 11/30/01. Letter similar to #131.
162. Yoshinchi Yoshida, Pearl City, HI. 1/07/02. Letter similar to #131

REPORT OF THE
OAHU APPORTIONMENT ADVISORY COUNCIL
SUBMITTED TO THE
2001 REAPPORTIONMENT COMMISSION
OCTOBER 4, 2001

The Oahu Apportionment Advisory Council hereby submits its report to the 2001 Reapportionment Commission.

The Reapportionment Commission (Commission) was constituted on May 1, 2001. Hawaii Revised Statutes, Chapter 25-5 established Apportionment Advisory Councils for the respective "basic island units." Unlike the Reapportionment commission, no duties are assigned nor authority vested. No timetable is established. Prior Reapportionment commissions have called for the termination of the provision in Chapter 25 that establishes Advisory Councils. The legislature has seen fit to continue the Councils.

Commission minutes of June 14, 2001, reflect the testimony of Oahu Advisory Council member Stephen Goodenow. Prior that June 14th meeting, Commission meeting had not been widely attended by the Advisory Council members from all the island groups. Mr. Goodenow requested that all Advisory Council members receive copies of the agenda and minutes for all Commission meetings and requested direction from the Commission.

Following the meeting of June 14th, Commission meetings were better attended by the Advisory Councils from all islands.

The Oahu Council also sought out assistance from the Reapportionment Staff. The Council was informed that the requests for assistance in the holding of meetings, staff presentation must be made through the Commission.

The Oahu Council met independently and requested a meeting with the Commission's Public Information Committee. The Committee agreed to have these meeting supported by staff. A request was also made to have notices of council meetings forwarded to Oahu County Neighborhood Boards, House and Senate offices and the public at large.

As a result, four public meetings were held as follows:

1. Washington Intermediate School - August 9, 2001
2. Castle High School - August 16, 2001
3. Mililani High School - August 23, 2001
4. Waialua High School - September 5, 2001

Attendance at the first two council meetings was small. There were four who attended the Ala Wai meeting and one at Castle High School. After the Castle Meeting, Council member

Goodenow, with maps provided by staff, attended neighborhood board meetings in the following neighborhoods:

1. Wahiawa
2. Mililani-Mauka
3. Mililani Town
4. Kapolei

As a result, the Mililani Advisory Council meeting was better attended and more of the public were informed of the process. Citizens were directed to the Reapportionment Commission Staff for copies of maps and computer disks to enable them to make informed comments regarding areas of disagreement with redrawn district lines and issues. From all follow up reports from citizens, staff adequately services their needs including sending disks, maps, redefinition of presentation and inclusion of maps ion at least on public library. (The Office of Elections and Reapportionment Staff are to be commended for spending the extra time and energy in traveling to meetings and providing the public tools need to make constructive testimony.)

The Commission saw the result of an informed public at the Commission hearing on September 19, 2001 at Waipahu High School. Testimony was in general to the point and well organized. The public had been introduced to the reapportionment tools and maps and made logical and beneficial presentation. One Commissioner, after a thoughtful and factual presentation by a member of the public, was overheard saying the (s) he was ready to "vote right there to make a change." This was not the case at other Commission hearings where the public often gave testimony without providing solutions to the issues at hand.

At least one Advisory Council member attended the September hearings of the Reapportionment Commission at Ala Wai School, Waipahu High School, Kalani High School and Aikahi Elementary School.

RECOMMENDATIONS

1. **The role of the Advisory Council should be better defined by Hawaii Revised Statute.**

Rather than leave each Council to determine its own function, we suggest that the proper purpose of the Councils is to inform the public about the process and provide assistance to citizens who wish to comment. Advisory council members also need to know how to forward that information to the Commission in a timely and meaningful manner.

2. **A briefing on rules and responsibilities should be conducted for both the Commission and Advisory Councils at the beginning of the process.**

The Advisory Councils and Commission need to work together as a team so that all can fulfill their public responsibilities that come with the appointment.

- 3. Advisory Councils should hold public meetings in the beginning of the process even prior to the acceptance of the propose plan. Arrangements for facilities and information sent to the public should be made along with (if not before) the Commission hearing schedule are determined.**

In it early deliberations, the Commission should meet with the Advisory Councils and set up a timetable for public information meetings. This way the arrangements can be made well in advance and the media and public informed.

- 4. The Reapportionment Staff responsibilities should be expanded to include presentations at all of the Council's public meetings.**

The explanation of how and why the boundaries are set is an invaluable part of the process. It gives the public information it needs to make informed testimony at Council hearings.

- 5. At least one Commission member should participate in Advisory Council public meetings.**

When the public raised valid concerns with a Commissioner present, both staff and the Council were more able to resolve issues. An example is the Oahu Advisory council public meeting in Mililani. When citizens of the North Shore pointed out districts boundary problems in their area and requested a public meeting in Waialua, the Commissioner present was able to make arrangements quickly.

- 6. At least one neighbor island resident should be appointed to the Commission.**

We are an island state and the commission should reflect at least to some extent the population distribution.

RECOMMENDATIONS OF THE
2001 MAUI APPORTIONMENT ADVISORY COUNCIL
SUBMITTED NOVEMBER 30, 2001

1. The role of the Advisory Councils is not clear from our statutes and hence should be clarified. In this vacuum the Commission must be commended for inviting and financing our participation at their numerous public meetings. A specific agenda item for council testimony was listed thus enhancing our participation. These actions should be codified along with provisions for funding advisory council public informational meetings in the early phases of the project.
2. We strongly urge the legislature to change the appointment procedure for Commission member so the members must be chosen from each of the Neighbor Isles Basic Island Units as well as Oahu.
3. We believe federal legislation and necessary funding should be enacted that provides for the INS sampling and reporting of citizenship at the census tract level that must be released to reapportionment agencies at the state level on a timely basis. We urge the Hawaii Congressional delegation to take action to secure INS compliance.
4. The Hawaii Reapportionment Commission should make it possible for ordinary citizens to utilize commonly held software to access and process districting data on the website and otherwise.
5. We strongly urge that the legislature enact legislation that will encourage military personnel and their dependents to become citizens of Hawaii and to register and vote in our elections.
6. This year's extended operation of the Commission raises issues regarding the practicality of existing time limits imposed by law. We believe the time period for Commission (and Advisory Council) work in the future should be extended several months. Such an extension would allow for improved "early education" of the commission and Councils through expert assisted review of past Reapportionment Commission reports and past and current constitutional law cases. It would also allow for significant adjustment in the plan after public input as occurred this year.
7. Enabling statutes should be amended to assure that Commissioners and Advisory Council members meet basic ethical standards applicable to other State government officials. At the least, these standards should require financial disclosure similar to that required of State Legislatures.

TESTIMONY BY STEVE GOODENOW
OAHU APPORTIONMENT ADVISORY COUNCIL MEMBER
SUBMITTED NOVEMBER 30, 2001

RECOMMENDATIONS

1. The definition of permanent resident should be defined by law. Without this definition, the Commission is left to make its own interpretation. What the State of Hawaii is now facing are three definitions of permanent resident. For federal purposes we include all residents counted in the 2000 census. For State reapportionment purposes we exclude several classes of people including military dependents. The County has chose to exclude several classes of people but not military dependents. All of this could lead to a court case that could void your good work. I ask you to request the legislature to define permanent resident for reapportionment purposes in a clear and convincing manner.
2. The role of the Advisory Councils should be clearly articulated by law. I refer the Commission to the report of the Oahu Advisory Council submitted during earlier testimony. The absence of a clear role for the advisory councils leads to confusion and lack of direction and purpose of a public body.

RESOLUTION SUBMITTED BY THE
HAWAII APPORTIONMENT ADVISORY COUNCIL
SUBMITTED AUGUST 2, 2001

The Hawaii County Reapportionment Advisory Council requests that the following recommendation be made in the 2001 Reapportionment Commission final report:

- Future Reapportionment commission membership should be determined on a proportional basis of total population to insure that each county has representation as well as a voice on the Commission.

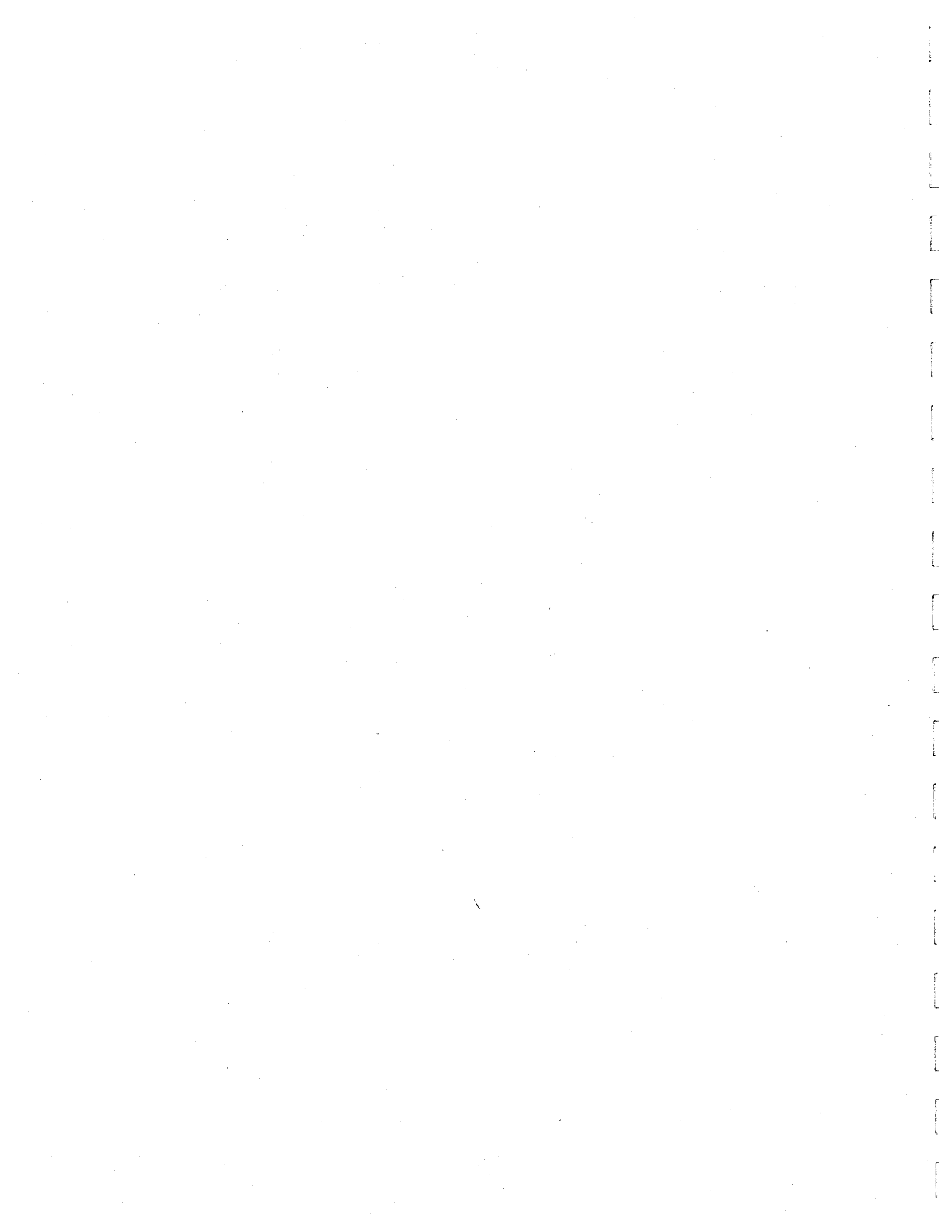
Currently the neighbor islands have no representation on the Commission while they make up 38% of the population.

RESOLUTION SUBMITTED BY THE
MAUI APPORTIONMENT ADVISORY COUNCIL
SUBMITTED JULY 24, 2001

The Maui County Apportionment Advisory Council requests that the following recommendation be made in the 21001 Reapportionment Commission final report:

- Future Reapportionment Commission membership should be determined on a proportional basis of citizen population to insure that each neighbor island county has representation as well as a voice on the Commission.

Based on current population figures, 38% of the population (335,234) is unrepresented on this Commission.



APPENDIX C
FINANCIAL REPORT



STATE OF HAWAII
2001 Reapportionment Commission
Expenditure Report as of January 16, 2002

Computer Supplies

Hardware	\$	50,055.97
Software		60,273.80
Supplies		11,680.21

Subtotal	122,009.98
----------	------------

Office Supplies

2,129.56

Other Supplies

162.71

Office Facilities

Telephone	2,459.71
Equipment	7,444.59
A-1 Lock & Key	123.54
Office facility set up	2,490.10

Subtotal	12,517.94
----------	-----------

Training

Software Training for Staff (ESRI)	563.77
Parking Fee Reimbursement	54.50

Subtotal	618.27
----------	--------

Postage

Postage meter rental	314.19
Paid postage for postage meter	1,200.00
Supplies	71.78
Fukunaga, Cynthia (reimbursement)	8.10
Naluai, Darlene (reimbursement)	29.87

Subtotal	1,623.94
----------	----------

Professional Services

ESRI	7,265.16
*Rare & Dear, Inc. (\$1,132.81 paid to date)	2,812.32

* The contract is scheduled to be paid in full by March 2002.

Rosenbrock, David (flatbed scan-reimbursement)	15.62
Baird, Darlene (Sign language interpreter)	93.68
Morris, Michelle (Sign language interpreter)	131.30
Omni Path Media (Oahu public hearings video)	3,446.77
Out of the Sea (Hilo public hearing video)	312.50
Ho'ike Kauai Community Television (Kauai public hearing video)	546.88
Akaku Maui Community Television (Maui public hearing video)	1,979.15
McRae, Jim (Kona public hearing video)	100.00

Subtotal	16,703.38
----------	-----------

Printing & Binding

Final Report	13,855.39
--------------	-----------

Advertising

Hawaii Tribune-Herald (Press release for Advisory Council meeting)	114.15
West Hawaii Today (Press release for Advisory Council meeting)	55.10
MidWeek Printing, Inc. MidWeek - Legal Ad (Initial Plan)	7,307.24
MidWeek Printing, Inc. Star Bulliten - Legal Ad (Initial Plan)	4,942.00
Honolulu Advertiser - Legal Ad (Initial Plan)	4,613.26
Hawaii Tribune-Herald - Legal Ad (Initial Plan)	5,523.60
West Hawaii Today - Legal Ad (Initial Plan)	3,071.79
The Maui News - Legal Ad (Initial Plan)	4,172.18
The Garden Island - Legal Ad (Initial Plan)	1,849.23
MidWeek Printing, Inc. MidWeek (Hearing Location Change)	373.68
MidWeek Printing, Inc. Star Bulliten (Hearing Location Change)	239.07
Honolulu Advertiser (Hearing Location Change)	152.35
The Maui News (Maui Hearing Change)	158.94
MidWeek Printing, Inc. MidWeek (MW/Star) - Legal Ad (Second Plan)	7,434.86
Honolulu Advertiser - Legal Ad (Second Plan)	2,782.38
Hawaii Tribune-Herald - Legal Ad (Second Plan)	941.74
West Hawaii Today - Legal Ad (Second Plan)	505.08
The Maui News - Legal Ad (Second Plan)	549.67
The Garden Island - Legal Ad (Second Plan)	147.06
MidWeek Printing, Inc. MidWeek - Legal Ad (Final Plan)	11,549.92
Hawaii Tribune-Herald - Legal Ad (Final Plan)	7,267.34
West Hawaii Today - Legal Ad (Final Plan)	3,856.94
The Maui News - Legal Ad (Final Plan)	6,850.00
The Garden Island - Legal Ad (Final Plan)	2,845.53

Subtotal	77,303.11
----------	-----------

Motor Pool

DAGS, Auto Management (1/2-Day Parking Passes)	260.00
--	--------

Car Mileage (Commission)

Frierson, Jill	43.44
Minami, Wayne	177.31
Lum, Kenneth	182.04
Subtotal	402.79

Car Mileage (Advisory Council)

Schaefer, Madge (Maui Council)	277.80
Kaui, Trinetta (Kauai Council)	160.09
Busch, Georgine (Hawaii Council)	89.45
Subtotal	527.34

Meeting Arrangements

Yokooji, Robynn (reimbursement lei, frames)	133.12
Facilities Rentals	254.82
Fukunaga, Cynthia (reimbursement-subway)	35.29
Pictures Plus (Frames for Certificates)	93.28
Subtotal	516.51

Travel

Airline Coupons/Airfare for Inter-island Travel	
Panda Travel	19,776.00
Aloha Island Air	2,956.00
Keala Naluai (Reimbursement for Regal Travel)	504.00
Car Rental Coupons for Inter-island Travel	
Panda Travel (Car Rental Coupons)	4,159.98
Yoshina, Dwayne (Rental Car Reimbursement)	33.72
Staff Travel (Per diem/Expenses)	
Aburano, Brian (Deputy Attorney General)	1,132.31
Chun, Lawrence	735.29
Naluai, Darlene	1,132.53
Quidilla, Rex (Office of Elections)	88.00
Rosenbrock, David	1,250.16
Yoshina, Dwayne (Office of Elections)	1,149.90
Commissioners' Travel (Per diem/Expenses)	
Akiona, Deron	1,470.88
Frierson, Jill	637.41

Hoo, Lori	1,165.03
Jim On, Shelton	1,158.16
Kinney, Lynn	859.33
Lum, Kenneth	1,086.99
Masumoto, Harold	1,050.62
Minami, Wayne	1,306.44
Rae, David	1,470.88
Advisory Council Travel (Per diem/Expenses)	
Andrews, Mark (Maui Council)	160.00
Busch, Georgine (Hawaii Council)	80.00
Chandler, Betty (Kauai Council)	140.00
Esaki, Dennis (Kauai Council)	187.00
Hew, Jerome (Kauai Council)	249.00
Jung, Francis (Hawaii Council)	20.00
Kauai, Trinette (Kauai Council)	181.00
Metcalf, Wayne (Hawaii Council)	360.00
Moniz, Manuel Jr. (Maui Council)	40.00
Rohlfing, Frederick (Maui Council)	296.00
Schaefer, Madge (Maui Council)	234.00
Spencer, Shirley (Hawaii Council)	175.00
Other Travel Expenses	
Naluai, Darlene K. (use of cell phone in Hilo)	93.75
Subtotal	45,339.38
<u>Telephone/Fax</u>	
Verizon Hawaii (Initial Set Up)	1,780.03
Verizon Hawaii Phone Bill	2,222.59
Sprint Hawaii	31.75
Subtotal	4,034.37
<u>Commissioners' Compensation</u>	
Akiona, Deron	1,400.00
Clifton, Richard (returned to Elections)	200.00
Frierson, Jill	1,350.00
Hoo, Lori	1,400.00
Jim On, Shelton	1,000.00
Kinney, Lynn	1,350.00
Lum, Kenneth	1,300.00
Masumoto, Harold	1,300.00

Minami, Wayne	1,400.00
Rae, David	1,350.00
Subtotal	12,050.00

Advisory Councils' Compensation

Andrews, Mark (Maui Council)	400.00
Busch, Georgine (Hawaii Council)	250.00
Chandler, Betty (Kauai Council)	350.00
Esaki, Dennis (Kauai Council)	500.00
Goodenow, Steve (Oahu Council)	650.00
Hall, Jim (Oahu Council)	650.00
Hew, Jerome (Kauai Council)	500.00
Jung, Frank (Hawaii Council)	200.00
Kaui, Trinette (Kauai Council)	400.00
Metcalf, Wayne (Hawaii Council)	300.00
Moniz, Manuel Jr. (Maui Council)	250.00
Ogawa, Robert (Oahu Council)	400.00
Rohlfing, Frederick (Maui Council)	550.00
Schaefer, Madge (Maui Council)	500.00
Spencer, Shirley (Hawaii Council)	400.00
Talbert, Geal (Oahu Council)	300.00
Subtotal	6,600.00

Staff Compensation (as of January 15, 2002)

Office Staff - Regular Pay	203,257.00
Office Staff - Over Time Pay (incl. OE staff)	14,494.00
Subtotal	217,751.00

Consultant Services

*ESRI (\$531,245.07 paid to date)	712,502.00
-----------------------------------	------------

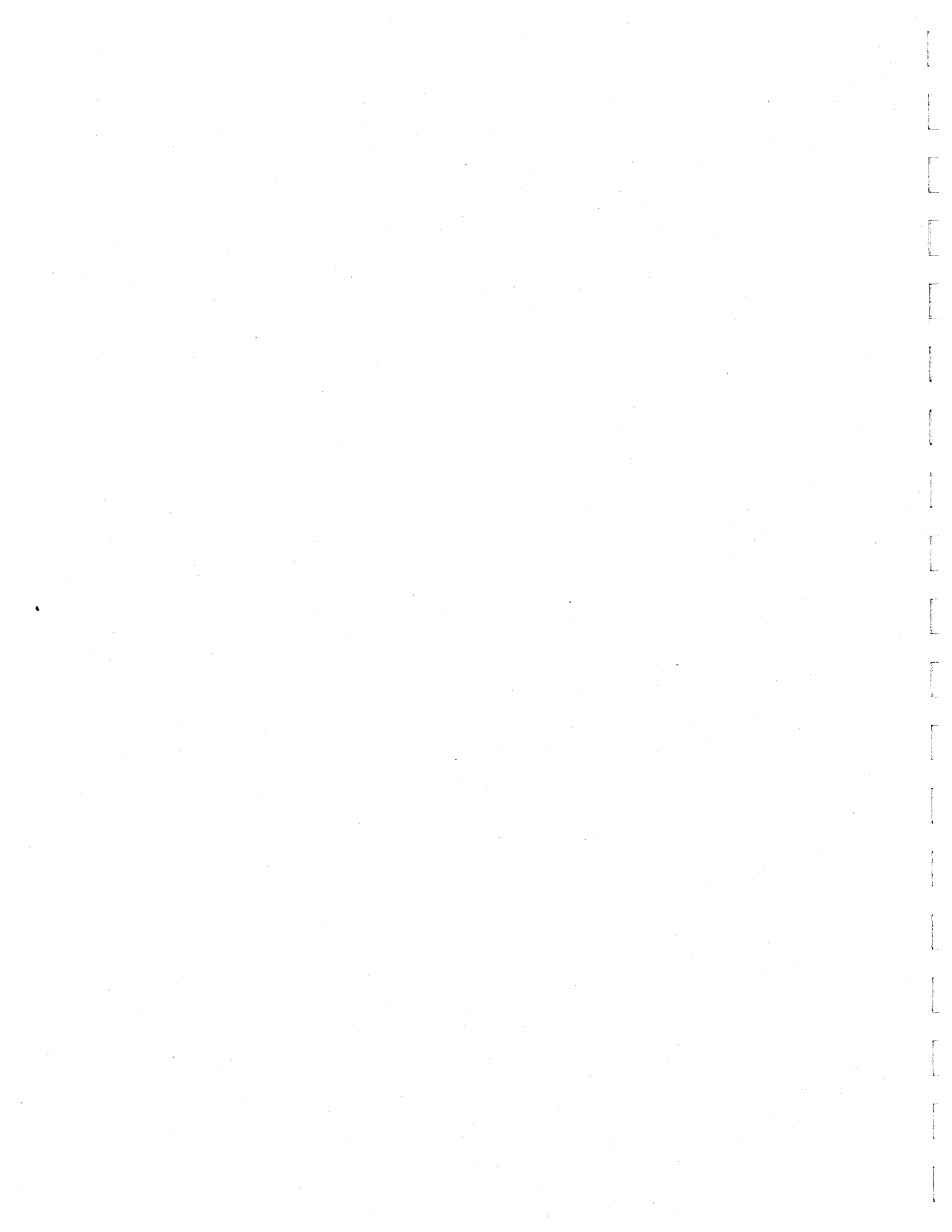
Other Miscellaneous Expenses

Albert Perkins, Inc. (rental of sound system)	776.04
DAGS, Surplus	85.00
Subtotal	861.04

T O T A L \$ 1,247,508.71[‡]

* The contract is scheduled to be paid in full by March 2002.

‡ The total is as of January 16, 2002, there are numerous outstanding costs that have not been paid.



APPENDIX D

DISTRICT BOUNDARY DESCRIPTIONS

OF THE 2001 REAPPORTIONMENT PLAN



THE REAPPORTIONMENT AND REDISTRICTING
OF THE LEGISLATIVE AND CONGRESSIONAL SEATS AND DISTRICTS
FOR THE STATE OF HAWAII
AS ADOPTED BY THE 2001 REAPPORTIONMENT COMMISSION

PURSUANT TO ARTICLE IV
OF THE CONSTITUTION FO THE STATE OF HAWAII
AND CHAPTER 25 OF THE HAWAII REVISED STATUTES
(November 30, 2001)

I. 2001 LEGISLATIVE REAPPORTIONMENT PLAN

The number of senators and representatives to be elected from each district will be one. The representative and senatorial districts are described as follows:

REPRESENTATIVE DISTRICTS

1ST REPRESENTATIVE DISTRICT

That portion of the Island of Hawaii for convenience herein referred to as Hawi, Halaula, Kukuihaele, Honokaa, Paaulo, Ookala, Laupahoehoe, Honohina, Hakalau, Honomu, Pepeekeo, Onomea, Papaikou, Paukaa and portion of Hilo, more particularly described as follows: Beginning at the intersection of shoreline and Wailuku River and running (1) Southwesterly along said river to Waiiau Stream; (2) Northwesterly along said stream to Awehi Stream; (3) Northwesterly along said stream to jeep trail; (4) Northwesterly along said jeep trail to South Hilo - North Hilo District boundary; (5) Southwesterly, southerly and southeasterly along said boundary to Saddle Road; (6) Northeasterly along said road to Pohakuloa Training Area boundary; (7) Northeasterly, northwesterly, southwesterly and northwesterly along said boundary to Saddle Road; (8) Northeasterly along said road to Pohakuloa Training Area boundary; (9) Northeasterly and northwesterly along said boundary to Mauna Kea Forest Reserve boundary; (10) Northerly and northwesterly along said boundary to Auwaiakeakua Gulch; (11) Northwesterly along said gulch to South Kohala - Hamakua District boundary; (12) Northeasterly, northerly, easterly and northwesterly along said boundary to Kohala Forest Reserve boundary; (13) Southwesterly along said boundary to South Kohala - Hamakua District boundary; (14) Northwesterly along said boundary to North Kohala - South Kohala District boundary; (15) Northwesterly, northeasterly and northwesterly along said boundary to Puu O Umi Natural Area Reserve boundary; (16) Southwesterly and southeasterly along said boundary to Waipahoehoe Gulch; (17) Southwesterly along said gulch to Honokoa Gulch; (18) Southwesterly along said gulch to shoreline; (19) Northwesterly, northeasterly and southeasterly along said shoreline to point of beginning.

2ND REPRESENTATIVE DISTRICT

That portion of the Island of Hawaii for convenience herein referred to as Piihonua, portion of Hilo, Waiakea, Keaukaha, and Kaumana, more particularly

described as follows: Beginning at the intersection of shoreline and South Hilo - Puna District boundary and running (1) Southwesterly along said boundary to school district boundary; (2) Southwesterly along said boundary to Puna Trail; (3) Southeasterly along said trail to unnamed road; (4) Southwesterly and westerly along said unnamed road to school district boundary; (5) Southwesterly along said boundary to unnamed road; (6) Southwesterly along said unnamed road to unnamed road extension; (7) Southwesterly along said unnamed road extension to Railroad Avenue; (8) Southeasterly along said avenue to Puainako Street; (9) Southwesterly along said street to East Puainako Street; (10) Westerly along said street to West Puainako Street; (11) Westerly along said street to Komohana Street; (12) Northerly along said street to powerline; (13) Southwesterly along said powerline to school district boundary; (14) Southwesterly along said boundary to Waiakea Forest Reserve boundary; (15) Southwesterly along said boundary to school district boundary; (16) Southwesterly and southerly along said boundary to South Hilo - Kau District boundary; (17) Northwesterly along said boundary to South Hilo - North Hilo District boundary; (18) Northwesterly and northeasterly along said boundary to jeep trail; (19) Southeasterly along said jeep trail to Awehi Stream; (20) Southeasterly along said stream to Waiiau Stream; (21) Southeasterly along said stream to Wailuku River; (22) Southeasterly along said river to shoreline; (23) Southeasterly, northeasterly and southeasterly along said shoreline to point of beginning.

3RD REPRESENTATIVE DISTRICT

That portion of the Island of Hawaii for convenience herein referred to as portion of Hilo, Keaau, Kurtistown, Mountain View and Glenwood, more particularly described as follows: Beginning at the intersection of South Hilo - Puna District boundary and shoreline and running (1) Southeasterly along said shoreline to access road extension at Haena; (2) Westerly along said extension to access road; (3) Northwesterly along said access road to Keaau Road; (4) Northeasterly along said road to unnamed road; (5) Southwesterly and southeasterly along said unnamed road to Keaau CDP boundary; (6) Southeasterly along said boundary to unnamed road; (7) Southeasterly along said unnamed road to Keaau CDP boundary; (8) Southerly, southeasterly and southwesterly along said boundary to Keaau-Pahoa Road; (9) Southeasterly along said road to access road; (10) Southeasterly and southwesterly along said access road to Keaau CDP boundary; (11) Westerly, northwesterly and southwesterly along said boundary to Kurtistown CDP boundary; (12) Southwesterly along said boundary to Ola'a Road; (13) Southeasterly along said road to 11 Road; (14) Southwesterly along said road to access road; (15) Southwesterly along said access road to unnamed road; (16) Southwesterly along said unnamed road to A Road; (17) Southwesterly along said road to Kurtistown CDP boundary; (18) Southwesterly along said boundary to access road; (19) Southwesterly along said access road to unnamed road; (20) Southwesterly along said unnamed road to South Kulani Road; (21) Northwesterly along said road to North Kulani Road; (22) Northwesterly along said road to Stainback Highway; (23) Southwesterly along said highway to jeep trail; (24) Southeasterly along said jeep trail to South Hilo - Puna District boundary; (25) Southwesterly along said boundary to South Hilo - Kau District boundary; (26) Northwesterly along said boundary to school district boundary; (27) Northerly and northeasterly along said boundary to Waiakea Forest Reserve boundary; (28) Northeasterly along said boundary to school district boundary; (29)

Northeasterly along said boundary to powerline; (30) Northeasterly along said powerline to Komohana Street; (31) Southerly along said street to West Puainako Street; (32) Northeasterly along said street to East Puainako Street; (33) Northeasterly along said street to Puainako Street; (34) Northeasterly along said street to Railroad Avenue; (35) Northwesterly along said avenue to unnamed road; (36) Northwesterly along said unnamed road to unnamed road extension; (37) Northwesterly along said unnamed road extension to unnamed road; (38) Northeasterly along said unnamed road to school district boundary; (39) Northeasterly along said boundary to unnamed road; (40) Southeasterly and easterly along said unnamed road to Puna Trail; (41) Northwesterly along said trail to school district boundary; (42) Northeasterly along said boundary to South Hilo - Puna District boundary; (43) Northeasterly along said boundary to point of beginning.

4TH REPRESENTATIVE DISTRICT

That portion of the Island of Hawaii for convenience herein referred to as Pahoā, Hawaiian Acres, Orchid Land Estate, Hawaiian Paradise Park, Pohoiki, Opihikao, Kehena, Kaimu, and Kalapana, more particularly described as follows: Beginning at the intersection of access road extension and shoreline and running (1) Southeasterly and southwesterly along said shoreline to Hawaii Volcanoes National Park boundary; (2) Northwesterly along said boundary to Chain of Craters Road; (3) Northerly, northeasterly, northwesterly, northeasterly, northwesterly and northerly along said road to Crater Rim Road; (4) Northeasterly along said road to Crater Rim Drive; (5) Northeasterly and northerly along said drive to unnamed road; (6) Northeasterly along said unnamed road to jeep trail; (7) Northerly along said jeep trail to Kahaualea Natural Area Reserve boundary extension; (8) Northeasterly along said extension to Kahaualea Natural Area Reserve boundary; (9) Northeasterly along said boundary to South boundary Fern Forest Vacation Estates; (10) Northeasterly along said boundary to Eden Roc CDP boundary; (11) Northeasterly along said boundary to jeep trail; (12) Northwesterly along said jeep trail to Puhala Street; (13) Northeasterly along said street to unnamed road; (14) Northeasterly along said unnamed road to access road; (15) Northeasterly along said access road to Kurtistown CDP boundary; (16) Northeasterly along said boundary to A Road; (17) Northeasterly along said road to unnamed road; (18) Northeasterly along said unnamed road to access road; (19) Northeasterly along said access road to 11 road; (20) Northeasterly along said road to Ola'a Road; (21) Northwesterly along said road to Kurtistown CDP boundary; (22) Northeasterly along said boundary to Keeau Kuristown CDP boundary; (23) Northeasterly, southerly and easterly along said boundary to access road; (24) Northeasterly along said access road to Keaau-Pahoā Road; (25) Northwesterly along said road to Keeau CDP boundary; (26) Northeasterly, southeasterly and northerly along said boundary to unnamed road; (27) Northwesterly along said unnamed road to Keaau CDP boundary; (28) Northwesterly along said boundary to unnamed road; (29) Northwesterly and northeasterly along said unnamed road to Keaau Road; (30) Northeasterly along said road to access road; (31) Southeasterly and northeasterly along said access road to access road extension; (32) Easterly along said extension to point of beginning.

5TH REPRESENTATIVE DISTRICT

That portion of the Island of Hawaii for convenience herein referred to as Volcano, Pahala, Punaluu, Ninole, Honuapo, Naalehu, Kahuku, Milolii, Hookena, Kealia, Honaunau, Captain Cook, Kealakua, and Kainaliu, more particularly described as follows: Beginning at the intersection of Stainback Highway and North Kulani Road and running (1) Southeasterly along said road to South Kulani Road; (2) Southeasterly along said road to Puhala Street; (3) Southeasterly and southwesterly along said street to jeep trail; (4) Southeasterly along said jeep trail to Eden Roc CDP boundary; (5) Southwesterly along said boundary to South boundary Fern Forest Vacation Estates; (6) Southwesterly along said boundary to Kahaualea Natural Area Reserve boundary; (7) Southwesterly along said boundary to Kahaualea Natural Area Reserve boundary extension; (8) Southwesterly along said extension to jeep trail; (9) Southerly along said jeep trail to unnamed road; (10) Westerly along said unnamed road to Crater Rim Drive; (11) Southerly and westerly along said drive to Crater Rim Road; (12) Southwesterly along said road to Chain of Craters Road; (13) Southeasterly and northeasterly along said road to Hawaii Volcanoes National Park boundary; (14) Southeasterly along said boundary to shoreline; (15) Southwesterly, northwesterly and northerly along said shoreline to jeep trail extension; (16) Southeasterly along said extension to jeep trail; (17) Southeasterly along said jeep trail to unnamed road; (18) Northeasterly along said unnamed road to Hawaii Belt Road (Mamalahoa Highway); (19) Northwesterly along said road to Ha'awina Street; (20) Northeasterly along said street to Mamalahoa Highway; (21) Southeasterly along said highway to access road; (22) Northeasterly along said access road to access road extension; (23) Northeasterly along said extension to unnamed road; (24) Easterly along said unnamed road to access road; (25) Southeasterly along said access road to school district boundary; (26) Northeasterly along said boundary to jeep trail; (27) Northeasterly along said jeep trail to Judd Trail; (28) Easterly and northeasterly along said trail to jeep trail; (29) Northeasterly along said jeep trail to Lava Flow of 1859; (30) Southeasterly along said flow to North Kona – Hamakua District boundary; (31) Southeasterly along said boundary to Pohakuloa Training Area boundary; (32) Easterly, northerly, easterly, northeasterly along said boundary to Saddle Road; (33) Easterly along said road to South Hilo – North Hilo District boundary; (34) Southeasterly along said boundary to South Hilo – Kau District boundary; (35) Southeasterly along said boundary to South Hilo - Puna district boundary; (36) Southeasterly and northeasterly along said boundary to jeep trail; (37) Northwesterly along said jeep trail to Stainback Highway; (38) Northeasterly along said highway to point of beginning.

6TH REPRESENTATIVE DISTRICT

That portion of the Island of Hawaii for convenience herein referred to as Keauhou, Kahaluu, Holualoa, Kailua-Kona, Honokohau, Makalawena, Kaupulehu, Puuanahulu, Anaehoomalu, Waikoloa, Puako, Kawaihae and Waimea, more particularly described as follows: Beginning at the intersection of Waiaha Stream and jeep trail and running (1) Southeasterly and southwesterly along said jeep trail to school district boundary; (2) Southwesterly along said boundary to access road; (3) Northwesterly along said access road to unnamed road; (4) Northwesterly along said unnamed road to access road extension; (5) Southwesterly along said extension to access road; (6) Southwesterly

along said access road to Mamalahoa Highway; (7) Northwesterly along said highway to Ha'awina Street; (8) Southwesterly along said street to Hawaii Belt Road (Mamalahoa Highway); (9) Southeasterly along said road to unnamed road; (10) Southwesterly along said unnamed road to jeep trail; (11) Northwesterly along said jeep trail to jeep trail extension; (12) Northwesterly along said extension to shoreline; (13) Northwesterly along said shoreline to unnamed road extension; (14) Northeasterly along said extension to unnamed road; (15) Southeasterly along said unnamed road to jeep trail; (16) Southerly, southeasterly and northeasterly along said jeep trail to Queen Kaahumanu Highway; (17) Southeasterly along said highway to Hina Lani Street; (18) Generally northeasterly along said street to Mamalahoa Highway; (19) Northerly along said highway to Onaona Drive; (20) Northeasterly along said drive to Old Mamalahoa Road; (21) Northwesterly along said road to Kaloko Drive; (22) Generally northeasterly along said drive to jeep trail; (23) Southeasterly along said jeep trail to point of beginning.

7TH REPRESENTATIVE DISTRICT

That portion of the Island of Hawaii for convenience herein referred to as Makalawena, Kaupulehu, Puuanahulu, Anaehoomalu, Waikoloa, Puako, Kawaihae and Waimea, more particularly described as follows: Beginning at the intersection of North Kohala - South Kohala District boundary and South Kohala - Hamakua District boundary and running (1) Southerly and southwesterly along said boundary to Kohala Forest Reserve boundary; (2) Southeasterly along said boundary to South Kohala - Hamakua District boundary; (3) Southwesterly along said boundary to Auwaiakeakua Gulch; (4) Southeasterly along said gulch to Mauna Kea Forest Reserve boundary; (5) Southeasterly and southwesterly along said boundary to Pohakuloa Training Reserve Area boundary; (6) Southwesterly along said boundary to Saddle Road; (7) Generally southerly along said road to Pohakuloa Training Area boundary; (8) Westerly along said boundary to North Kona - Hamakua District boundary; (9) Westerly, northwesterly along said boundary to Lava Flow of 1859; (10) Southwesterly along said boundary to jeep trail; (11) Southwesterly along said jeep trail to Judd Trail; (12) Southwesterly along said trail to jeep trail; (13) Northwesterly along said jeep trail to Waiaha Stream; (14) Southwesterly along said stream to jeep trail; (15) Northwesterly, northeasterly and northwesterly along said jeep trail to Kaloko Drive; (16) Generally northwesterly along said drive to Old Mamalahoa Road; (17) Southeasterly along said road to Onaona Drive; (18) Southwesterly along said drive to Mamalahoa Highway; (19) Southerly along said highway to Hina Lani Street; (20) Generally northwesterly along said street to Queen Kaahumanu Highway; (21) Northwesterly along said highway to jeep trail; (22) Southwesterly, northwesterly and northerly along said jeep trail to unnamed road; (23) Northwesterly along said unnamed road to unnamed road extension; (24) Southwesterly along said extension to shoreline; (25) Northwesterly, northeasterly and northwesterly along said shoreline to Honokoa Gulch; (26) Northeasterly along said gulch to Waipahoehoe Gulch; (27) Northeasterly along said gulch to Puu O Umi National Area Reserve boundary; (28) Northeasterly, northwesterly and northeasterly along said boundary to North Kohala - South Kohala District boundary; (29) Southeasterly, southwesterly and southeasterly along said boundary to point of beginning.

8TH REPRESENTATIVE DISTRICT

That portion of the Island of Maui for convenience herein referred to as Kahakuloa, Waihee, Waiehu, Paukukalo, Puuohala, portions of Wailuku and Kahului, and Wailuku Heights, more particularly described as follows: Beginning at the intersection of shoreline and Kanaloa Avenue extension at Kahului Bay and running (1) Southwesterly along said extension to Kahului Beach Road; (2) Southeasterly along said road to Kaihee Place; (3) Southwesterly along said place to unnamed road; (4) Southeasterly, westerly and southerly along said unnamed road to Kaahumanu Avenue; (5) Westerly along said avenue to East Main Street; (6) Southwesterly along said street to West Main Street; (7) Southwesterly along said street to South High Street; (8) Southeasterly along said street to Honoapiilani Highway; (9) Southerly along said highway to Koa Drive; (10) Easterly along said drive to Waiale Road; (11) Northerly along said road to Waiinu Road; (12) Easterly along said road to unnamed road; (13) Southeasterly along said unnamed road to Kuihelani Highway; (14) Southwesterly along said highway to East Waiko Road; (15) Northwesterly along said road to unnamed road; (16) Southwesterly and westerly along said unnamed road to Honoapiilani Highway; (17) Southwesterly along said highway to unnamed road; (18) Southwesterly and westerly along said unnamed road to footpath; (19) Westerly and northwesterly along said footpath to Waikapu Stream; (20) Westerly along said stream to Waikapu Stream extension; (21) Southwesterly along said extension to Lahaina - Wailuku District boundary; (22) Northwesterly and northerly along said boundary to shoreline; (23) Southeasterly along said shoreline to point of beginning.

9TH REPRESENTATIVE DISTRICT

That portion of the Island of Maui for convenience herein referred to as portions of Kahului and Wailuku, Puunene, Spreckelsville, Paia and Lower Paia, more particularly described as follows: Beginning at the intersection of shoreline and H.P. Baldwin County Park boundary and running (1) Southwesterly along said boundary to Kailua Gulch; (2) Southeasterly along said gulch to Hana Highway; (3) Northeasterly along said highway to Kulani Place; (4) Southeasterly along said place to unnamed road; (5) Southeasterly along said unnamed road to Lower Hamakuapoko Road; (6) Southwesterly along said road to unnamed road; (7) Westerly and southwesterly along said unnamed road to Kailua Gulch; (8) Southeasterly along said gulch to Lowrie Ditch; (9) Southwesterly along said ditch to Spanish Road; (10) Southwesterly and northwesterly along said road to East Waiko Road; (11) Westerly along said road to Kuihelani Highway; (12) Northeasterly along said highway to unnamed road; (13) Northwesterly along said unnamed road to Waiinu Road; (14) Westerly along said road to Waiale Road; (15) Southerly along said road to Koa Drive; (16) Westerly along said drive to Honoapiilani Highway; (17) Northerly along said highway to South High Street; (18) Northerly along said street to West Main Street; (19) Northeasterly along said street to East Main Street; (20) Northeasterly along said street to Kaahumanu Avenue; (21) Easterly along said avenue to unnamed road; (22) Northerly, easterly and northwesterly along said unnamed road to Kaihee Place; (23) Northeasterly along said place to Kahului Beach Road; (24) Northwesterly along said road to Kanaloa Avenue Extension; (25) Northeasterly along said extension to shoreline; (26) Easterly and northeasterly along said shoreline to point of beginning.

10TH REPRESENTATIVE DISTRICT

That portion of the Island of Maui for convenience herein referred to Olowalu, Lahaina, Mala, Kaanapali, Honokowai, Kapalua, Honolua and Honokohau, more particularly described as follows: Beginning at the intersection of shoreline and Lahaina - Wailuku District boundary and running (1) Southerly and Southeasterly along said boundary to Waikapu Stream extension; (2) Northeasterly along said extension to Waikapu Stream; (3) Easterly along said stream to footpath; (4) Southeasterly and easterly along said footpath to unnamed road; (5) Easterly and southeasterly along said unnamed road to Honoapiilani Highway; (6) Northeasterly along said highway to unnamed road; (7) Easterly and northeasterly along said unnamed road to East Waiko Road; (8) Easterly along said road to Spanish Road; (9) Southeasterly along said road to Upper Kihei Road; (10) Southerly and southwesterly along said road to Uwapo Road; (11) Southwesterly along said road to Piilani Highway; (12) Southeasterly along said highway to Ohukai Road; (13) Westerly along said road to Ohukai Road extension; (14) Westerly along said extension to shoreline; (15) Northwesterly and northerly along said shoreline to point of beginning.

11TH REPRESENTATIVE DISTRICT

That portion of the Island of Maui for convenience herein referred to as Keoneoio, Makena, Wailea, Maui Meadows, Kamaole and Kihei, more particularly described as follows: Beginning at the intersection of Spanish Road and Upper Kihei Road and running (1) Southeasterly along said road to Lowrie Ditch; (2) Southerly along said ditch to Pulehu Gulch; (3) Southeasterly along said gulch to Waiakoa Road; (4) Southerly along said road to Waiakoa Road extension; (5) Southwesterly along said extension to Kihei CDP boundary; (6) Southerly along said boundary to unnamed road; (7) Southwesterly along said unnamed road to Kenolio Street; (8) Southeasterly along said street to east boundary of DHHL parcel; (9) Southwesterly along said boundary to jeep trail; (10) Southeasterly along said jeep trail to Kealakapu Road; (11) Southeasterly along said road to Kula Highway; (12) Southwesterly along said highway to jeep trail; (13) Westerly and southwesterly along said jeep trail to Kanaio-Kalama Park Road; (14) Southeasterly along said road to Piilani Highway; (15) Southeasterly and easterly along said highway to Kepuni Gulch; (16) Southeasterly along said gulch to shoreline; (17) Westerly and northerly along said shoreline to Ohukai Road extension; (18) Easterly along said extension to Ohukai Road; (19) Easterly along said road to Piilani Highway; (20) Northwesterly along said highway to Uwapo Road; (21) Northeasterly along said road to Upper Kihei Road; (22) Northeasterly and northerly along said road to point of beginning.

12TH REPRESENTATIVE DISTRICT

That portion of the Island of Maui for convenience herein referred to as Pukalani, Makawao, Olinda, Pulehu, Kula, Waiohuli, Keokea and Ulupalakua, more particularly described as follows: Beginning at the intersection of unnamed road and Baldwin Avenue and running (1) Southeasterly along said avenue to Kee Road; (2) Northeasterly along said road to Makawao Avenue; (3) Northerly along said avenue to Maliko Gulch; (4) Southeasterly along said gulch to Kahakapao Gulch; (5) Southeasterly along said gulch to

unnamed ditch; (6) Southwesterly along said unnamed ditch to Kailua Gulch; (7) Southeasterly along said gulch to Crater Road; (8) Northeasterly and southeasterly along said road to Haleakala National Park boundary; (9) Southeasterly along said boundary to Hana - Makawao District boundary; (10) Southeasterly along said boundary to West boundary of Kipahulu Valley Biological Reserve; (11) Southerly and southeasterly along said boundary to ridge east of Kaupo Gap; (12) Southeasterly, southwesterly and southerly along said ridge to Haleakala National Park boundary; (13) Southerly and southwesterly along said boundary to Kahikinui Forest Reserve boundary; (14) Westerly along said boundary to Kepuni Gulch; (15) Southerly and southeasterly along said gulch to Piilani Highway; (16) Westerly along said highway to Kanaio-Kalama Park Road; (17) Northwesterly along said road to jeep trail; (18) Northeasterly along said jeep trail to Kula Highway; (19) Northeasterly along said highway to Kealakapu Road; (20) Northwesterly along said road to jeep trail; (21) Northwesterly along said jeep trail to east boundary of DHHL parcel; (22) Northeasterly along said boundary to Kenolio Street; (23) Northwesterly along said street to unnamed road; (24) Northeasterly along said unnamed road to Kihei CDP boundary; (25) Northerly along said boundary to Waiakoa Road extension; (26) Northeasterly along said extension to Waiakoa Road; (27) Northeasterly along said road to Pulehu Gulch; (28) Northwesterly along said gulch to Lowrie Ditch; (29) Northeasterly along said ditch to Kailua Gulch; (30) Northwesterly along said gulch to unnamed stream; (31) Easterly along said unnamed stream to unnamed ditch; (32) Northeasterly along said unnamed ditch to Kaheka Road; (33) Northwesterly along said road to unnamed road; (34) Northeasterly along said unnamed road to point of beginning.

13TH REPRESENTATIVE DISTRICT

Includes Kahoolawe, Molokini, Lanai, Molokai and that portion of the Island of Maui for convenience herein referred to as Haiku, Pauwela, Ulumalu, Huelo, Kailua, Keanae, Wailua, Nahiku, Hana, Hokuula, Hamoa, Puuki, Haou, Muolea, Kipahulu and Kaupo, more particularly described as follows: Beginning at the intersection of HP Baldwin County Park boundary and shoreline and running (1) Northeasterly, southeasterly and southwesterly along said shoreline to Kepuni Gulch; (2) Northwesterly along said gulch to Kahikinui Forest Reserve boundary; (3) Easterly along said boundary to Haleakala National Park boundary; (4) Northeasterly and northerly along said boundary to ridge east of Kaupo Gap; (5) Northerly, northeasterly and northwesterly along said ridge to west boundary of Kipahulu Valley Biological Reserve; (6) Northwesterly and northerly on said boundary to Hana - Makawao District boundary; (7) Northwesterly along said boundary to Haleakala National Park boundary; (8) Westerly and northwesterly along said boundary to Crater Road; (9) Northeasterly, northwesterly and southwesterly along said road to Kailua Gulch; (10) Northwesterly along said gulch to unnamed ditch; (11) Northwesterly along said unnamed ditch to Kahakapao Gulch; (12) Northwesterly along said gulch to Maliko Gulch; (13) Westerly and northwesterly along said gulch to Makawao Avenue; (14) Southwesterly along said avenue to Kee Road; (15) Northeasterly along said road to Baldwin Avenue; (16) Northwesterly along said avenue to unnamed road; (17) Southwesterly along said unnamed road to on Kaheka Road; (18) Southwesterly along said road to unnamed ditch; (19) Southwesterly along said unnamed ditch to unnamed stream; (20) Southwesterly along said unnamed stream to Kailua

Gulch; (21) Northwesterly along said gulch to unnamed road; (22) Northeasterly along said unnamed road to Lower Hamakuapoko Road; (23) Northeasterly along said road to unnamed road; (24) Northwesterly along said unnamed road to Kulani Place; (25) Northwesterly along said place to Hana Highway; (26) Southwesterly along said highway to Kailua Gulch; (27) Northwesterly along said gulch to HP Baldwin County Park boundary; (28) Northeasterly along said boundary to point of beginning.

14TH REPRESENTATIVE DISTRICT

That portion of the Island of Kauai for convenience herein referred to as Haena, Hanalei, Princeville, Kilauea, Anahola, Kealia, Kawaihau and Kapaa, more particularly described as follows: Beginning at the intersection of shoreline and Kuhio Highway and running (1) Northeasterly along said highway to unnamed road; (2) Northwesterly along said unnamed road to Kuamoo Road; (3) Northwesterly and westerly along said road to Opaekaa Stream; (4) Northwesterly and southwesterly along said stream to Wailua River State Park boundary extension; (5) Northwesterly on said extension to Wailua River State Park boundary; (6) Northwesterly along said boundary to Nonou Forest Reserve boundary; (7) Northeasterly, northwesterly and northeasterly along said boundary to Olohena Land Division boundary; (8) Easterly along said boundary to unnamed stream; (9) Easterly along said unnamed stream to unnamed road; (10) Northerly, northeasterly and northwesterly along said unnamed road to Olohena Road; (11) Northeasterly along said road to Haul Cane Road; (12) Northwesterly along said road to unnamed road; (13) Northeasterly along said unnamed road to unnamed stream; (14) Northwesterly and westerly along said unnamed stream to Kainahola Road; (15) Southerly along said road to Waipouli Road; (16) Southwesterly along said road to Olohena Road; (17) Northwesterly along said road to powerline; (18) Southwesterly along said powerline to Kuamoo Road; (19) Northwesterly along said road to unnamed road; (20) Southerly along said unnamed road to North Fork Wailua River; (21) Westerly along said river to North Fork Wailua River extension; (22) Northwesterly along said extension to Halelea Forest Reserve boundary; (23) Northwesterly along said boundary to Hono O Pali - Kona Forest Reserve boundary; (24) Southwesterly along said boundary to Na Pali - Kona Forest Reserve boundary; (25) Southwesterly along said boundary to Hanalei - Waimea District boundary; (26) Northwesterly along said boundary to shoreline; (27) Northeasterly, easterly and southerly along said shoreline to point of beginning.

15TH REPRESENTATIVE DISTRICT

That portion of the Island of Kauai for convenience herein referred to as Waipouli, Wailua, Hanamaulu, Lihue, Puhi and portion of Koloa, more particularly described as follows: Beginning at the intersection of Wailua River and shoreline and running (1) Southerly and southwesterly along said shoreline to Lihue - Koloa District boundary; (2) Westerly, northwesterly, and westerly along said boundary to Haul Cave Road; (3) Southwesterly along said road to unnamed road; (4) Southwesterly along said unnamed road to Knudson Road; (5) Southerly along said road to unnamed road; (6) Westerly along said unnamed road to Wailaau Road; (7) Southwesterly along said road to Wailani Road; (8) Southerly along said road to Koloa Road; (9) Southwesterly, westerly and northwesterly along said road to Kaumualii Highway; (10) Easterly along said

highway to Lawai CDP boundary; (11) Northerly along said boundary to powerline; (12) Northeasterly along said powerline to Kuia Stream; (13) Westerly and northwesterly along said stream to unnamed stream; (14) Northwesterly, westerly and southwesterly along said unnamed stream to unnamed stream extension; (15) Northwesterly along said extension to Lihue-Koloa Forest Reserve boundary; (16) Northerly and northwesterly along said boundary to North Fork Wailua River extension; (17) Southeasterly along said extension to North Fork Wailua River; (18) Easterly along said river to unnamed road; (19) Northerly along said unnamed road to Kuamoo Road; (20) Southeasterly along said road to powerline; (21) Northeasterly along said powerline to Olohena Road; (22) Southeasterly along said road to Waipouli Road; (23) Northeasterly along said road to Kainahola Road; (24) Northerly along said road to unnamed stream; (25) Easterly along said unnamed stream to unnamed road; (26) Southwesterly along said unnamed road to Haul Cane Road; (27) Southeasterly along said road to Olohena Road; (28) Southwesterly along said road to unnamed road; (29) Southwesterly, southeasterly, and southwesterly along said unnamed road to unnamed stream; (30) Westerly along said unnamed stream to Olohena Land Division boundary; (31) Westerly along said boundary to Nonou Forest Reserve boundary; (32) Southwesterly, southeasterly and southwesterly on said boundary to Wailua River State Park boundary; (33) Southeasterly along said river to Wailua River State Park boundary extension; (34) Southeasterly along said extension to Opaekaa Stream; (35) Southeasterly along said stream to Kuamoo Road; (36) Southwesterly along said road to Kuhio Highway; (37) Northeasterly along said highway to Wailua River; (38) Southeasterly along said river to point of beginning.

16TH REPRESENTATIVE DISTRICT

Includes Niihau, an island nearby to Niihau and that portion of the Island of Kauai for convenience herein referred to as portions of Koloa, Poipu, Omao, Lawai, Kalaheo, Numila, Eleele, Port Allen, Hanapepe, Kaumakani, Pakala, Waimea, Kekaha, Mana and Kokee, more particularly described as follows: Beginning at the intersection of Lihue - Koloa District boundary and shoreline and running (1) Southwesterly, westerly, northwesterly and northeasterly along said shoreline to Hanalei - Waimea District boundary; (2) Southeasterly along said boundary to Na Pali - Kona Forest Reserve boundary; (3) Northeasterly along said boundary to Hono O Na Pali Natural Area Reserve boundary; (4) Northwesterly along said boundary to Halelea Forest Reserve boundary; (5) Southeasterly along said boundary to Lihue-Koloa Forest Reserve boundary; (6) Southerly along said boundary to unnamed stream extension; (7) Southeasterly along said extension to unnamed stream; (8) Northeasterly and southeasterly along said unnamed stream to Kuia Stream; (9) Southeasterly along said stream to powerline; (10) Southwesterly along powerline to Lawai CDP boundary; (11) Southerly along said boundary to Kaumualii Highway; (12) Westerly along said highway to Koloa Road; (13) Southerly, southeasterly and northeasterly along said road to Wailani Road; (14) Northerly along said road to Wailaau Road; (15) Northeasterly along said road to unnamed road; (16) Easterly along said unnamed road to Knudson Road; (17) Northerly along said road to unnamed road; (18) Northeasterly along said unnamed road to Haul Cave Road; (19) Northeasterly along said road to Lihue - Koloa District boundary; (20) Easterly and southeasterly along said boundary to point of beginning.

17TH REPRESENTATIVE DISTRICT

That portion of the Island of Oahu for convenience herein referred to as Kalama Valley, Queen's Gate and Hawaii Kai, more particularly described as follows: Beginning at the intersection of Koolau Ridge and shoreline at Makapuu Point and running (1) Southerly, southwesterly and northerly along said shoreline to Kalaniana'ole Highway; (2) Northwesterly along said highway to Keahole Street; (3) Northeasterly along said street to Hawaii Kai Drive; (4) Northerly along said drive to Hahaione Street; (5) Northerly and northwesterly along said street to Hahaione Gulch; (6) Northwesterly along said gulch to Koolau Ridge; (7) Easterly, southeasterly and easterly along said ridge to point of beginning.

18TH REPRESENTATIVE DISTRICT

That portion of the Island of Oahu for convenience herein referred to as Hahaione Valley, Kuliouou, Niu Valley, Hawaii Loa Ridge, Aina Haina, Wailupe and Kahala, more particularly described as follows: Beginning at the intersection of Koolau Ridge and Hahaione Gulch and running (1) Southeasterly along said gulch to Hahaione Street; (2) Southeasterly and southerly along said street to Hawaii Kai Drive; (3) Southerly along said drive to Keahole Street; (4) Southwesterly along said street to Kalaniana'ole Highway; (5) Southeasterly along said highway to shoreline; (6) Generally westerly along said shoreline to Hunakai Street extension; (7) Northwesterly along said extension to Hunakai Street; (8) Northwesterly along said street to Kilauea Avenue; (9) Southwesterly and northwesterly along said avenue to 20th Avenue; (10) Northeasterly along said avenue to Luawai Street; (11) Southeasterly along said street to 21st Avenue; (12) Northeasterly along said avenue to Waialae Avenue; (13) Easterly along said avenue to Kalaniana'ole Highway; (14) Easterly along said highway to unnamed stream; (15) Northerly along said unnamed stream to Waialae Iki East Rim; (16) Easterly and northwesterly along said rim to Wiliwilinui Ridge; (17) Northwesterly and northeasterly along said ridge to Koolau Ridge; (18) Easterly along said ridge to point of beginning.

19TH REPRESENTATIVE DISTRICT

That portion of the Island of Oahu for convenience herein referred to as Kalani Valley, Waialae Nui, Diamond Head and portions of Kaimuki, more particularly described as follows: Beginning at the intersection of Koolau Ridge and Wiliwilinui Ridge and running (1) Southwesterly and southerly along said ridge to Waialae Iki East Rim; (2) Southeasterly and westerly along said rim to unnamed stream; (3) Southerly along said unnamed stream to Kalaniana'ole Highway; (4) Westerly along said highway to Waialae Avenue; (5) Westerly along said avenue to 21st Avenue; (6) Southwesterly along said avenue to Luawai Street; (7) Northwesterly along said street to 20th Avenue; (8) Southwesterly along said avenue to Kilauea Avenue; (9) Southeasterly and northeasterly along said avenue to Hunakai Street; (10) Southeasterly along said street and continuing along straight line extension to shoreline; (11) Southwesterly along said shoreline to Diamond Head Lighthouse boundary; (12) Northeasterly along said boundary to Beach Road; (13) Northwesterly along said road to Diamond Head Road; (14) Westerly along said road to Diamond Head State Park boundary; (15) Southeasterly, northeasterly and northwesterly along said boundary to Diamond Head Road; (16) Easterly along said road to Makapuu Avenue; (17) Northeasterly along said avenue to

Alohea Avenue; (18) Northwesterly along said avenue to 6th Avenue; (19) Northeasterly along said avenue to Waialae Avenue; (20) Southeasterly along said avenue to 16th Avenue; (21) Northeasterly along said avenue to Koko Drive; (22) Southeasterly along said drive to Napali Place; (23) Easterly along said place to East Maunalani Heights rim of bluff; (24) Northeasterly along said rim of bluff to Forest Reserve boundary; (25) Northeasterly along said boundary to Waialae Nui Stream; (26) Northeasterly along said stream to Koolau Ridge; (27) Southeasterly along said ridge to point of beginning.

20TH REPRESENTATIVE DISTRICT

That portion of the Island of Oahu for convenience herein referred to as St. Louis Heights, Paolo Valley, Maunalani Heights, Wilhelmina Rise and portions of Kaimuki, more particularly described as follows: Beginning at the intersection of Koolau Ridge and Waialae Nui Stream and running (1) Southwesterly along said stream to Forest Reserve boundary; (2) Southwesterly along said boundary to East Maunalani Heights rim of bluff; (3) Southwesterly along said bluff to Napali Place; (4) Westerly along said place to Koko Drive; (5) Northwesterly along said drive to 16th Avenue; (6) Southwesterly along said avenue to Waialae Avenue; (7) Northwesterly along said avenue to Saint Louis Drive; (8) Northeasterly along said drive to Dole Street; (9) Northwesterly on said street to Waahila Ridge; (10) Northeasterly along said ridge to Koolau Ridge; (11) Southeasterly along said ridge to point of beginning.

21ST REPRESENTATIVE DISTRICT

That portion of the Island of Oahu for convenience herein referred to as portions of Kaimuki and Waikiki, more particularly described as follows: Beginning at the intersection of Waialae Avenue and 6th Avenue and running (1) Southwesterly on said avenue to Alohea Avenue; (2) Southeasterly on said avenue to Makapuu Avenue; (3) Southwesterly along said avenue to Diamond Head Road; (4) Westerly on said road to Diamond Head State Park boundary; (5) Generally southwesterly along said boundary to Diamond Head Road; (6) Easterly along said road to Beach Road; (7) Southeasterly along said road to Diamond Head Lighthouse boundary; (8) Southwesterly along said boundary to shoreline; (9) Northwesterly along said shoreline to Kapahulu Groin; (10) Easterly along said groin to Kapahulu Avenue; (11) Easterly along said avenue to Kuhio Avenue; (12) Northeasterly along said avenue to Kapuni Street; (13) Northeasterly along said street to Cleghorn Street; (14) Northwesterly along said street to Kaiulani Avenue; (15) Northeasterly along said avenue to Ala Wai Canal; (16) Northwesterly along said canal to McCully Street; (17) Northeasterly along said street to Kapiolani Boulevard; (18) Southeasterly along said boulevard to Date Street; (19) Southeasterly along said street to Manoa-Palolo Drainage Canal; (20) Northeasterly along said canal to Manoa Stream; (21) Northeasterly along said stream to Kapiolani Boulevard; (22) Easterly along said boulevard to Waialae Avenue; (23) Southeasterly along said avenue to point of beginning.

22ND REPRESENTATIVE DISTRICT

That portion of the Island of Oahu for convenience herein referred to as Moiliili and McCully, more particularly described as follows: Beginning at the intersection of University Avenue and H-1 Freeway and running (1) Southeasterly along said freeway to

Varsity Place; (2) Northeasterly along said place to Varsity Circle; (3) Easterly and southeasterly along said circle to University of Hawaii at Manoa campus boundary; (4) Southeasterly and northeasterly along said boundary to Manoa Stream; (5) Northeasterly along said stream to University of Hawaii at Manoa campus boundary; (6) Easterly along said boundary to Dole Street; (7) Southeasterly and southerly along said street to Saint Louis Drive; (8) Southwesterly along said drive to Waiialae Avenue; (9) Westerly along said avenue to Kapiolani Boulevard; (10) Southwesterly along said boulevard to Manoa Stream; (11) Southwesterly along said stream to Manoa-Palolo Drainage Canal; (12) Southwesterly along said canal to Date Street; (13) Northwesterly along said street to Kapiolani Boulevard; (14) Northwesterly along said boulevard to McCully Street; (15) Southwesterly along said street to Ala Wai Canal; (16) Northwesterly along said canal to Kalakaua Avenue; (17) Northwesterly along said avenue to Kapiolani Boulevard; (18) Northwesterly along said boulevard to Keeaumoku Street; (19) Northeasterly along said street to South King Street; (20) Southeasterly along said street to University Avenue; (21) Northeasterly along said avenue to point of beginning.

23RD REPRESENTATIVE DISTRICT

That portion of the Island of Oahu for convenience herein referred to as portions of Waikiki and Ala Moana, more particularly described as follows: Beginning at the intersection of South King Street and Kapiolani Boulevard and running (1) Southeasterly along said boulevard to Kalakaua Avenue; (2) Southeasterly along said avenue to Ala Wai Canal; (3) Southeasterly along said canal to Kaiulani Avenue; (4) Southwesterly along said avenue to Cleghorn Street; (5) Southeasterly along said street to Kapuni Street; (6) Southwesterly along said street to Kuhio Avenue; (7) Southeasterly along said avenue to Kapahulu Avenue; (8) Westerly along said avenue to Kapahulu Groin; (9) Westerly along said groin to shoreline; (10) Northwesterly along said shoreline to Nuuanu Avenue; (11) Northeasterly along said avenue to Ala Moana Boulevard; (12) Southerly along said boulevard to Fort Street; (13) Southwesterly along said street to Aloha Tower Drive; (14) Southeasterly along said drive to Ala Moana Boulevard; (15) Southerly along said boulevard to Punchbowl Street; (16) Northeasterly along said street to South King Street; (17) Southeasterly along said street to point of beginning.

24TH REPRESENTATIVE DISTRICT

That portion of the Island of Oahu for convenience herein referred to as Manoa, Manoa Valley and University, more particularly described as follows: Beginning at the intersection of Waihi-Lulumahu Stream Divide and Koolau Ridge and running (1) Southeasterly along said ridge to Waahila Ridge; (2) Southwesterly along said ridge to Dole Street; (3) Southeasterly along said street to University of Hawaii at Manoa campus boundary; (4) Southwesterly along said boundary to Manoa Stream; (5) Southwesterly along said stream to University of Hawaii at Manoa campus boundary; (6) Northwesterly, southwesterly and northwesterly along said boundary to Varsity Circle; (7) Northwesterly and westerly along said circle to Varsity Place; (8) Southwesterly along said place to H-1 Freeway; (9) Northwesterly along said freeway to University Avenue; (10) Southerly along said avenue to South King Street; (11) Northwesterly along said street to Pawaa Lane; (12) Northeasterly along said lane to South Beretania Street; (13) Southeasterly along said street to Alexander Street; (14) Northeasterly along said street to Bingham

Street; (15) Northwesterly along said street to Punahou Street; (16) Northeasterly along said street to Nehoa Street; (17) Northwesterly along said street to Ualakaa Street; (18) Northeasterly along said street to Puualii Place; (19) Easterly along said place to Puualii Place extension; (20) Northeasterly along said extension to Forest Reserve boundary; (21) Northeasterly along said boundary to Eastern Slope of Tantalus; (22) Northerly along said slope to Waihi-Lulumahu Stream Devide; (23) Northeasterly along said stream divide to point of beginning.

25TH REPRESENTATIVE DISTRICT

That portion of the Island of Oahu for convenience herein referred to as Tantalus and Makiki, more particularly described as follows: Beginning at the intersection of Western Slope of Tantalus and the Eastern Slope of Tantalus and running (1) Southerly along said slope to Forest Reserve boundary; (2) Southwesterly along said boundary to Puualii Place extension; (3) Southwesterly along said extension to Puualii Place; (4) Westerly along said place to Ualakaa Street; (5) Southwesterly along said street to Nehoa Street; (6) Southeasterly along said street to Punahou Street; (7) Southwesterly along said street to Bingham Street; (8) Southeasterly along said street to Alexander Street; (9) Southwesterly along said street to South Beretania Street; (10) Northwesterly along said street to Pawaa Lane; (11) Southwesterly along said lane to South King Street; (12) Northwesterly along said street to Keeaumoku Street; (13) Northeasterly along said street to H-1 Freeway; (14) Westerly along said freeway to Ward Avenue; (15) Northeasterly along said avenue to Lunalilo Street; (16) Southeasterly along said street to Victoria Street; (17) Northeasterly along said street to Spencer Street; (18) Northeasterly along said street to Wilder Avenue; (19) Southeasterly along said avenue to Pensacola Street; (20) Northeasterly along said street to Auwaiolimu Street; (21) Northerly along said street to Kanaha Stream; (22) Northeasterly along said stream to Forest Reserve boundary; (23) Northerly along said boundary to Western Slope of Tantalus; (24) Northeasterly along said slope to point of beginning.

26TH REPRESENTATIVE DISTRICT

That portion of the Island of Oahu for convenience herein referred to as Dowsett Highlands, Pacific Heights, Pauoa and Punchbowl, more particularly described as follows: Beginning at the intersection of Pali Highway and Koolau Ridge and running (1) Southeasterly along said ridge to Waihi-Lulumahu Stream Divide; (2) Southwesterly along said stream divide to Western Slope of Tantalus; (3) Southwesterly along said slope to Forest Reserve boundary; (4) Southerly along said boundary to Kanaha Stream; (5) Southwesterly along said stream to Auwaiolimu Street; (6) Southerly along said street to Pensacola Street; (7) Southwesterly along said street to Wilder Avenue; (8) Northwesterly along said avenue to Spencer Street; (9) Southwesterly along said street to Victoria Street; (10) Southerly along said street to Lunalilo Street; (11) Northwesterly along said street to Ward Avenue; (12) Southwesterly along said avenue to Kinau Street; (13) Northwesterly along said street to Lusitana Street; (14) Northwesterly along said street to Vineyard Boulevard; (15) Northwesterly along said boulevard to Nuuanu Stream; (16) Northeasterly along said stream to Nuuanu Avenue; (17) Northeasterly along said avenue to Pali Highway; (18) Northeasterly along said highway to point of beginning.

27TH REPRESENTATIVE DISTRICT

That portion of the Island of Oahu for convenience herein referred to as Nuuanu, Puunui and Liliha, more particularly described as follows: Beginning at the intersection of Nuuanu-Kapalama Land Division boundary and Koolau Ridge and running (1) Easterly along said ridge to Pali Highway; (2) Southwesterly along said highway to Nuuanu Avenue; (3) Southwesterly along said avenue to Nuuanu Stream; (4) Southwesterly along said stream to Vineyard Boulevard; (5) Northwesterly along said boulevard to Olomea Street; (6) Northwesterly along said street to Kapalama Canal; (7) Northeasterly along said canal to Halona Street; (8) Southeasterly along said street to Kokea Street; (9) Northeasterly along said street to North School Street; (10) Northwesterly along said street to Houghtailing Street; (11) Northeasterly along said street to Hillcrest Street; (12) Northerly along said street to Kealia Drive; (13) Easterly along said drive to school district boundary; (14) Northeasterly along said boundary to Kamehameha Schools boundary; (15) Northeasterly along said boundary to Nuuanu-Kapalama Land Division boundary; (16) Northeasterly along said boundary to point of beginning.

28TH REPRESENTATIVE DISTRICT

That portion of the Island of Oahu for convenience herein referred to as Kakaako, Iwilei and Honolulu, more particularly described as follows: Beginning at the intersection of Kapalama Canal and Olomea Street and running (1) Southeasterly on said street to Vineyard Boulevard; (2) Southeasterly along said boulevard to Lusitana Street; (3) Southeasterly along said street to Kinau Street; (4) Southeasterly along said street to Ward Avenue; (5) Northeasterly along said avenue to H-1 Freeway; (6) Southeasterly along said freeway to Keeaumoku Street; (7) Southwesterly along said street to Kapiolani Boulevard; (8) Northwesterly along said boulevard to South King Street; (9) Northwesterly along said street to Punchbowl Street; (10) Southwesterly along said street to Ala Moana Boulevard; (11) Northerly along said boulevard to Aloha Tower Drive; (12) Northwesterly along said drive to Fort Street; (13) Northeasterly along said street to Ala Moana Boulevard; (14) Northerly along said boulevard to Nuuanu Avenue; (15) Southwesterly along said avenue to shoreline; (16) Northwesterly, southwesterly, and northwesterly along said shoreline to Kapalama Canal; (17) Northeasterly along said canal to point of beginning.

29TH REPRESENTATIVE DISTRICT

Includes the islands of Sand Island, Mokaia, Kahakaaulana, Mokuoeo and that portion of the Island of Oahu for convenience herein referred to as Kalihi Kai and Kapalama, more particularly described as follows: Beginning at the intersection of North School Street and Kokea Street and running (1) Southwesterly along said street to Halona Street; (2) Northwesterly along said street to Kapalama Canal; (3) Southwesterly along said canal to shoreline; (4) Southwesterly and northwesterly along said shoreline to Kalihi Stream; (5) Northeasterly along said stream to Kamehameha Highway; (6) Southeasterly along said highway to Laumaka Street; (7) Northeasterly along said street to Bannister Street; (8) Easterly and northeasterly along said street to North King Street; (9) Northwesterly along said street to Kalihi Stream; (10) Northeasterly along said stream

to H-1 Freeway; (11) Westerly along said freeway to Middle Street; (12) Northeasterly along said street to North School Street; (13) Southeasterly along said street to point of beginning.

30TH REPRESENTATIVE DISTRICT

That portion of the Island of Oahu for convenience herein referred to as Alewa Heights, Kalihi Valley, Kalihi, and Fort Shafter, more particularly described as follows: Beginning at the intersection of Manaiki Stream and Koolau Ridge and running (1) Southeasterly along said ridge to Nuuanu-Kapalama Land Division Boundary; (2) Southwesterly along said boundary to school district boundary; (3) Southwesterly along said boundary to Kealia Drive; (4) Westerly along said drive to Hillcrest Street; (5) Southerly along said street to Houghtailing Street; (6) Southwesterly along said street to North School Street; (7) Northwesterly along said street to Middle Street; (8) Southwesterly along said street to H-1 Freeway; (9) Northwesterly along said freeway to Moanalua Freeway; (10) Northwesterly along said freeway to Kaua Street; (11) Northwesterly and easterly along said street to West boundary of Fort Shafter; (12) Northerly and northeasterly along said boundary to Ala Waiopua Street; (13) Northeasterly along said street to Ala Mahamoe Street; (14) Northeasterly along said street to Manaiki Stream; (15) Northeasterly along said stream to point of beginning.

31ST REPRESENTATIVE DISTRICT

That portion of the Island of Oahu for convenience herein referred to as Moanalua Valley, Moanalua and Salt Lake, more particularly described as follows: Beginning at the intersection of Ewa Honolulu District boundary and Koolau Ridge and running (1) Southeasterly along said ridge to Manaiki Stream; (2) Southwesterly along said stream to Ala Mahamoe Street; (3) Northwesterly along said street to Apona Street; (4) Northwesterly along said street to Jarret White Road; (5) Southerly along said road to Ala Mahamoe Street; (6) Northwesterly along said street to Mahao Place; (7) Southwesterly along said place to Moanalua Stream; (8) Southwesterly along said stream to Mahiole Street; (9) Westerly along said street to Moanalua Freeway; (10) Southerly along said freeway to Puuloa Road; (11) Southwesterly along said road to Salt Lake Boulevard; (12) Westerly and northwesterly along said boulevard to Maluna Street; (13) Northeasterly along said street to Wanaka Street; (14) Northerly and northeasterly along said street to Aliamanu Military Reservation boundary; (15) Southeasterly and northeasterly along said boundary to Moanalua Freeway; (16) Northwesterly along said freeway to Moanalua Golf Course boundary; (17) Northeasterly along said boundary to Red Hill Naval Reservation boundary; (18) Northeasterly along said boundary to Ewa Honolulu District boundary; (19) Northeasterly along said boundary to point of beginning.

32ND REPRESENTATIVE DISTRICT

Includes Ford Island and that portion of the Island of Oahu for convenience herein referred to as Mapunapuna, Airport, Hickam AFB, Pearl Harbor, Aliamanu and Foster Village, more particularly described as follows: Beginning at the intersection of Kaonohi Street and H-1 Freeway and running (1) Southeasterly along said freeway to Moanalua Freeway; (2) Southeasterly along said freeway to Aliamanu Military Reservation boundary; (3) Southwesterly and northwesterly along said boundary to Wanaku Street;

(4) Southwesterly along said street to Maluna Street; (5) Westerly along said street to Salt Lake Boulevard; (6) Southeasterly and easterly along said boulevard to Puuloa Road; (7) Northeasterly along said road to Moanalua Freeway; (8) Northerly along said freeway to Mahiole Street; (9) Easterly along said street to Moanalua Stream; (10) Northeasterly along said stream to Mahao Place; (11) Northeasterly along said place to Ala Mahamoe Street; (12) Southeasterly along said street to Jarret White Road; (13) Northerly along said road to Apona Street; (14) Easterly along said street to Ala Mahamoe Street; (15) Easterly along said street to Ala Waiopua Street; (16) Southeasterly along said street to west boundary of Fort Shafter; (17) Southwesterly and southerly along said boundary to Kaua Street; (18) Westerly along said street to Moanalua Freeway; (19) Southeasterly along said freeway to H-1 Freeway; (20) Southeasterly along said freeway to Kalihi Stream; (21) Southwesterly along said stream to North King Street; (22) Southeasterly along said street to Bannister Street; (23) Southwesterly along said street to Laumaka Street; (24) Southwesterly along said street to Kamehameha Highway; (25) Northwesterly along said highway to Kalihi Stream; (26) Southwesterly along said stream to shoreline; (27) Westerly, northwesterly, northeasterly and northwesterly along shoreline to drainage canal; (28) Northeasterly along said canal to Kamehameha Highway; (29) Northwesterly along said highway to Kaonohi Street; (30) Northeasterly along said street to point of beginning.

33RD REPRESENTATIVE DISTRICT

That portion of the Island of Oahu for convenience herein referred to as Aiea, Halawa Valley, Halawa Heights and Aiea Heights, more particularly described as follows: Beginning at intersection of Waimalu Stream and Koolau Ridge and running (1) Southeasterly along said ridge to Ewa Honolulu District boundary; (2) Southwesterly along said boundary to Red Hill Naval Reservation boundary; (3) Southwesterly along said boundary to Moanalua Golf Course boundary; (4) Southwesterly along said boundary to Moanalua Freeway; (5) Northwesterly along said freeway to H-1 Freeway; (6) Northwesterly along said freeway to Kaonohi Street; (7) Southwesterly along said street to Kamehameha Highway; (8) Southeasterly along said highway to drainage canal; (9) Southwesterly along said canal to shoreline; (10) Northwesterly along said shoreline to west boundary of Neal Blaisdell Park; (11) Northeasterly along said boundary to Kamehameha Highway; (12) Northwesterly along said highway to H-1 Freeway; (13) Northeasterly and southeasterly along said freeway to bluff; (14) Northeasterly along said bluff to South boundary Newtown Meadows; (15) Northwesterly along said boundary to Waimalu Stream; (16) Northeasterly along said stream to point of beginning.

34TH REPRESENTATIVE DISTRICT

That portion of the Island of Oahu for convenience herein referred to as Newtown, Waiiau, portion of Pearl City, Waimalu and Pearl City Peninsula, more particularly described as follows: Beginning at the intersection of Waimano Stream and Koolau Ridge and running (1) Southeasterly along said ridge to Waimalu Stream; (2) Northwesterly and southwesterly along said stream to south boundary of Newtown Meadows; (3) Southeasterly along said boundary to bluff; (4) Southwesterly along said bluff to H-1 Freeway; (5) Northwesterly and Southwesterly along said freeway to Kamehameha Highway; (6) Southeasterly along said highway to west boundary of Neal

Blaisdell Park; (7) Southwesterly along said boundary to shoreline; (8) Northwesterly, westerly, southeasterly and northwesterly along said shoreline to Pearl City Naval Station boundary; (9) Easterly along said boundary to Lehua Avenue; (10) Northeasterly along said avenue to Waimano Home Road; (11) Northeasterly along said road to Moanalua Road; (12) Southeasterly along said road to Hoolaulea Street; (13) Northeasterly along said street to Komo Mai Drive; (14) Southeasterly along said drive to Pearl City Stream; (15) Northeasterly along said stream to Waimano Training School and Hospital boundary; (16) Northeasterly along said boundary to powerline; (17) Northwesterly along said powerline to Waimano Stream; (18) Northeasterly along said stream to point of beginning.

35TH REPRESENTATIVE DISTRICT

That portion of the Island of Oahu for convenience herein referred to as portion of Pearl City and Waipahu, more particularly described as follows: Beginning at the intersection of Mohalu Street extension and H-2 Freeway and running (1) Southeasterly along said freeway to H-1 Freeway; (2) Southeasterly along said freeway to Kamehameha Highway; (3) Southwesterly along said highway to Farrington Highway; (4) Southwesterly along said highway to Pupukahi Street; (5) Northwesterly along said street to Waipahu Street; (6) Northeasterly along said street to Naval Access Road; (7) Northwesterly and northerly along said road to H-1 Freeway; (8) Northeasterly along said freeway to Kamehameha Highway; (9) Northwesterly along said highway to Waipio Uka Street; (10) Northeasterly and northerly along said street to Mohalu Street extension; (11) Northeasterly along said extension to point of beginning.

36TH REPRESENTATIVE DISTRICT

That portion of the Island of Oahu for convenience herein referred to as portion of Pearl City, Waipahu, Momilani, Pacific Palisades and Manana, more particularly described as follows: Beginning at the intersection of Kipapa Stream and Koolau Ridge and running (1) Southeasterly along said ridge to Waimano Stream; (2) Southwesterly along said stream to powerline; (3) Southeasterly along said powerline to Waimano Training School and Hospital boundary; (4) Southwesterly along said boundary to Pearl City Stream; (5) Southwesterly along said stream to Komo Mai Drive; (6) Westerly and northwesterly along said drive to Hoolaulea Street; (7) Southwesterly along said street to Moanalua Road; (8) Northwesterly along said road to Waimano Home Road; (9) Southwesterly along said road to Lehua Avenue; (10) Southwesterly along said avenue to Pearl City Naval Station boundary; (11) Westerly along said boundary to shoreline; (12) Westerly along shoreline to school district boundary; (13) Northerly along said boundary to Farrington Highway; (14) Northeasterly along said highway to Kamehameha Highway; (15) Northeasterly along said highway to H-1 Freeway; (16) Northwesterly along said freeway to H-2 Freeway; (17) Northwesterly and northerly along said freeway to Kipapa Stream; (18) Northeasterly along said stream to point of beginning.

37TH REPRESENTATIVE DISTRICT

That portion of the Island of Oahu for convenience herein referred to as portion of Waipahu and Mililani, more particularly described as follows: Beginning at the intersection of Kipapa Stream and H-2 Freeway and running (1) Southerly and

southeasterly along said freeway to Mohalu Street extension; (2) Southwesterly along said extension to Waipio Uka Street; (3) Southerly and southwesterly along said street to Kamehameha Highway; (4) Northwesterly along said highway to powerline; (5) Westerly along said powerline to Military Reservation boundary; (6) Northwesterly and northerly along said boundary to Waiahole Ditch; (7) Easterly along said ditch to Kuahelani Avenue; (8) Southerly along said avenue to Meheula Parkway; (9) Northeasterly along said parkway to Anania Drive; (10) Southerly along said drive to Waiahole Ditch; (11) Southeasterly and northeasterly along said ditch to Upper Kipapa Military Reservation boundary; (12) Northerly, northeasterly and northwesterly along said boundary to Kipapa Stream; (13) Northeasterly along said stream to point of beginning.

38TH REPRESENTATIVE DISTRICT

That portion of the Island of Oahu for convenience herein referred to as portion of Mililani and Mililani Mauka, more particularly described as follows: Beginning at the intersection of Schofield Barracks Military Reserve boundary and Koolau Ridge and running (1) Easterly and southeasterly along said ridge to Kipapa Stream; (2) Southwesterly along said stream to Upper Kipapa Military Reserve boundary; (3) Northwesterly, southwesterly and southerly along said boundary to Waiahole Ditch; (4) Westerly along said ditch to Anania Drive; (5) Northerly along said drive to Meheula Parkway; (6) Westerly and southwesterly along said parkway to Kuahelani Avenue; (7) Northerly along said avenue to Waiahole Ditch; (8) Southwesterly, northwesterly and westerly along said ditch to Military Reservation boundary; (9) Northeasterly along said boundary to Waikalani Drive; (10) Northeasterly along said drive to Waihonu Street; (11) Southeasterly along said street to Waimakua Drive; (12) Northeasterly along said drive to Waimakua Drive extension; (13) Northerly along said extension to Waikakalaua Stream; (14) Easterly, northwesterly and northeasterly along said stream to H-2 Freeway; (15) Northwesterly along said freeway to Waikalani Drive; (16) Northeasterly along said drive to Wikao Street; (17) Easterly along said street to Waikakalaua Stream; (18) Northeasterly along said stream to Military Reservation boundary; (19) Northerly along said boundary to Schofield Barracks Military Reserve boundary; (20) Easterly and northeasterly along said boundary to point of beginning.

39TH REPRESENTATIVE DISTRICT

That portion of the Island of Oahu for convenience herein referred to as Wahiawa, Whitmore Village and Poamoho Camp, more particularly described as follows: Beginning at the intersection of Wailua-Wahiawa District boundary and Koolau Ridge and running (1) Southeasterly along said ridge to Schofield Barracks Military Reserve boundary; (2) Southwesterly along said boundary to Military Reservation boundary; (3) Southerly along said boundary to Waikakalaua Stream; (4) Northwesterly and southwesterly along said stream to Waikao Street; (5) Westerly along said street to Waikalani Drive; (6) Southwesterly along said drive to H-2 Freeway; (7) Southeasterly along said freeway to Waikakalaua Stream; (8) Southwesterly along said stream to Waimakua Drive extension; (9) Southwesterly along said extension to Waimakua Drive; (10) Southwesterly along said drive to Waihonu Street; (11) Southwesterly along said street to Waikalani Drive; (12) Southwesterly along said drive to Kamehameha Highway; (13) Northwesterly along said highway to H-2 Freeway; (14) Northwesterly along said

freeway to Wilikina Drive; (15) Westerly and northwesterly along said drive to Kamananui Road; (16) Northeasterly along said road to Kamehameha Highway; (17) Northeasterly along said highway to Poamoho Stream; (18) Southeasterly and northeasterly along said stream to Waialua-Wahiawa District boundary; (19) Northeasterly along said boundary to point of beginning.

40TH REPRESENTATIVE DISTRICT

That portion of the Island of Oahu for convenience herein referred to as Royal Kunia, Makakilo and Kapolei, more particularly described as follows: Beginning at the intersection of Waiahole Ditch and Military Reservation boundary and running (1) Southeasterly along said boundary to Naval Reservation boundary; (2) Generally southeasterly along said boundary to unnamed road extension; (3) Southwesterly along said extension to unnamed road; (4) Southwesterly along said unnamed road to Anonui Street; (5) Southwesterly along said street to Kunia Road; (6) Southeasterly along said road to Fort Weaver Road; (7) Southeasterly along said road to Farrington Highway; (8) Southwesterly along said highway to Kaloi Gulch; (9) Southeasterly along said gulch to unnamed road; (10) Southeasterly along said unnamed road to unnamed road extension; (11) Southeasterly along said extension to railroad track; (12) Southeasterly along said track to Roosevelt Avenue extension; (13) Southeasterly along said extension to Roosevelt Avenue; (14) Southeasterly along said avenue to Sewage plant boundary; (15) Southerly and southeasterly along said boundary to Essex Road; (16) Southeasterly, southwesterly and southerly along said road to Southeast boundary of Barbers Point NAS; (17) Southerly along said boundary to shoreline; (18) Northwesterly along said shoreline to Ko Olina Golf Club boundary; (19) Northeasterly along said boundary to Military Railroad; (20) Southeasterly along said railroad to Kalaeloa Boulevard; (21) Northeasterly along said boulevard to Farrington Highway; (22) Northwesterly along said highway to Palailai Gulch; (23) Northeasterly along said gulch to Palehua Road; (24) Westerly and northeasterly along said road to Waianae Ridge; (25) Northeasterly along said ridge to Huliwai Gulch; (26) Easterly and southeasterly along said gulch to Waiahole Ditch; (27) Northerly and northeasterly along said ditch to point of beginning.

41ST REPRESENTATIVE DISTRICT

That portion of the Island of Oahu for convenience herein referred to as portion of Waipahu, Village Park and Waikele, more particularly described as follows: Beginning at the intersection of powerline and Kamehameha Highway and running (1) Southeasterly along said highway to H-1 Freeway; (2) Westerly and southwesterly along said freeway to Naval Access Road; (3) Southerly and southeasterly along said road to Waipahu Street; (4) Southwesterly along said street to Pupukahi Street; (5) Southeasterly along said street to Farrington Highway; (6) Southwesterly along said highway to Fort Weaver Road; (7) Northwesterly along said road to Kunia Road; (8) Northwesterly along said road to Ananui Street; (9) Northeasterly along said street to unnamed road; (10) Northeasterly along said unnamed road to unnamed road extension; (11) Northeasterly along said extension to Naval Reservation boundary; (12) Northeasterly along said Military Reservation boundary; (13) Generally northwesterly along said boundary to powerline; (14) Easterly along said powerline to point of beginning.

42ND REPRESENTATIVE DISTRICT

That portion of the Island of Oahu for convenience herein referred to as portion of Waipahu, Honouliuli, West Loch Fairways, Fernandez Village, Ewa and portion of Ewa Beach, more particularly described as follows: Beginning at the intersection of school district boundary and shoreline and following (1) Southerly along said shoreline to walkway extension; (2) Southerly along said extension to walkway; (3) Northwesterly along said walkway to Military Railroad; (4) Southwesterly along said railroad to Honouliuli Stream; (5) Westerly and northwesterly along said stream to Fort Weaver Road; (6) Southwesterly and southerly along said road to Geiger Road; (7) Southwesterly along said road to Essex Road; (8) Southwesterly along said road to Sewage plant boundary; (9) Northwesterly and northeasterly along said boundary to Roosevelt Avenue; (10) Northwesterly along said avenue to Roosevelt Avenue extension; (11) Westerly along said extension to railroad track; (12) Northwesterly along said track to unnamed road extension; (13) Northwesterly along said extension to unnamed road; (14) Northwesterly along said unnamed road to Kaloi Gulch; (15) Northwesterly and northeasterly along said gulch to Farrington Highway; (16) Northeasterly along said highway to school district boundary; (17) Northeasterly along said boundary to point of beginning.

43RD REPRESENTATIVE DISTRICT

That portion of the Island of Oahu for convenience herein referred to as portion of Ewa Beach, Iroquois Point and Puuloa, more particularly described as follows: Beginning at the intersection of walkway extension and shoreline and running (1) Southeasterly, southwesterly, southeasterly and southwesterly along said shoreline to southeast boundary of Barbers Point NAS; (2) Northerly along said boundary to Essex Road; (3) Northerly, northeasterly, northwesterly and northeasterly along said road to Geiger Road; (4) Northeasterly along said road to Fort Weaver Road; (5) Northwesterly and northeasterly along said road to Honouliuli Stream; (6) Southeasterly and easterly along said stream to Military Railroad; (7) Northeasterly along said railroad to walkway; (8) Southeasterly along said walkway to walkway extension; (9) Northerly along said extension to point of beginning.

44TH REPRESENTATIVE DISTRICT

That portion of the Island of Oahu for convenience herein referred to as Kalaeloa, Honokai Hale, Nanakai Gardens, Nanakuli and Lualualei, more particularly described as follows: Beginning at the intersection of northwest boundary of Lualualei Naval Reservation and Waianae Ridge and running (1) Southwesterly along said ridge to Palehua Road; (2) Southwesterly and southeasterly along said road to Palalai Gulch; (3) Southerly along said gulch to Farrington Highway; (4) Southeasterly along said highway to Kalaeloa Boulevard; (5) Southwesterly along said boulevard to Military Railroad; (6) Southeasterly and northeasterly along said railroad to Ko Olina Golf Club boundary; (7) Southwesterly along said boundary to shoreline; (8) Southwesterly and northwesterly along said shoreline to Farrington Highway; (9) Northwesterly along said highway to Mailiili Road; (10) Easterly and northeasterly along said road to Lualualei Homestead Road; (11) Northeasterly along said road to west boundary of Lualualei Naval Reservation; (12) Northerly and westerly along said boundary to Kuwale Road; (13)

Northerly along said road to west boundary of Lualualei Naval Reservation; (14) Northeasterly along said boundary to Waianae Road; (15) Southeasterly along said road to northwest boundary of Lualualei Naval Reservation; (16) Northwesterly and northeasterly along said boundary to point of beginning.

45TH REPRESENTATIVE DISTRICT

That portion of the Island of Oahu for convenience herein referred to as Waianae, Makaha and Makua, more particularly described as follows: Beginning at the intersection of Waianae Ridge and the northwest of boundary of Lualualei Naval Reservation and running (1) Southwesterly and southeasterly along said boundary to Waianae Road; (2) Northwesterly along said road to west boundary of Lualualei Naval Reservation; (3) Southwesterly along said boundary to Kuwale Road; (4) Southerly along said road to west boundary of Lualualei Naval Reservation; (5) Easterly and southeasterly along said boundary to Lualualei Homestead Road; (6) Southwesterly along said road to Maililii Road; (7) Southwesterly and westerly along said road to Farrington Highway; (8) Southeasterly along said highway to shoreline; (9) Northwesterly along said shoreline to Kaena Military Reservation boundary; (10) Northeasterly along said boundary to Kaena Point State Park boundary; (11) Southeasterly along said boundary to Waianae Ridge; (12) Southeasterly along said ridge to point of beginning.

46TH REPRESENTATIVE DISTRICT

That portion of the Island of Oahu for convenience herein referred to as Schofield Barracks, Kaena Point, Mokuleia, Waialua, Haleiwa, Waimea, Pupukea, Sunset Beach and Kahuku, more particularly described as follows: Beginning at intersection of shoreline and unnamed stream and running (1) Southwesterly along said unnamed stream to Kamehameha Highway; (2) Southeasterly and southwesterly along said highway to Naniloa Loop; (3) Westerly and northwesterly along said loop to Lanihuli Street; (4) Westerly along said street to unnamed road; (5) Northwesterly along said unnamed road to Poohaili Street; (6) Southwesterly along said street to unnamed road; (7) Southwesterly along said unnamed road to Ihiihi Stream; (8) Northerly along said stream to Kahawainui Gulch; (9) Northwesterly and southwesterly along said gulch to Koolau Ridge; (10) Southeasterly and southerly along said ridge to Waialua - Wahiawa District boundary; (11) Northwesterly and westerly along said ridge to Poamoho Stream; (12) Northwesterly, westerly and southwesterly along said stream to Kamehameha Highway; (13) Southwesterly along said highway to Kamananui Road; (14) Southwesterly along said road to Wilikina Drive; (15) Southerly, southeasterly and northeasterly along said drive to H-2 Freeway; (16) Southerly along said freeway to Kamehameha Highway; (17) Southeasterly along said highway to Military Reservation boundary; (18) Southerly and southwesterly along said boundary to Waiahole Ditch; (19) Northwesterly, westerly and southwesterly along said ditch to Huliwai Gulch; (20) Southwesterly and northwesterly along said gulch to Waianae Ridge; (21) Northerly and northwesterly along said ridge to Kaena Point State Park boundary; (22) Northwesterly along said boundary to Kaena Military Reservation boundary; (23) Southwesterly along said boundary to shoreline; (24) Northwesterly, northeasterly, easterly and southeasterly along said shoreline to point of beginning.

47TH REPRESENTATIVE DISTRICT

Includes the islands of Kihewamoku, Mokuauia, Pulemoku, Kukihooolua, Mokualai and Mokolii, and that portion of the Island of Oahu for convenience herein referred to as Laie, Hauula, Punaluu, Kaaawa, Waikane, Kahaluu and Ahuimanu, more particularly described as follows: Beginning at the intersection of unnamed stream and shoreline and running (1) Easterly and southeasterly along said shoreline to Heeia Stream; (2) Northwesterly along said stream to Kamehameha Highway; (3) Southeasterly along said highway to Heeia Street; (4) Southwesterly along said street to Alaloa Street; (5) Northwesterly along said street to Kalali Street; (6) Southwesterly along said street to Nahewai Street; (7) Southerly along said street to Puolena Stream; (8) Northwesterly along said stream to Kahekili Highway; (9) Southeasterly along said highway to Haiku Road; (10) Southwesterly along said road to H-3 Freeway; (11) Northwesterly and westerly along said freeway to Koolau Ridge; (12) Northerly along said ridge to Kawainui Gulch; (13) Northerly and northeasterly along said gulch to Ihihi Stream; (14) Southeasterly along said stream to unnamed road; (15) Northeasterly along said unnamed road to Poohaili Street; (16) Northeasterly along said street to unnamed road; (17) Southeasterly along said unnamed road to Lanihuli Street; (18) Northeasterly along said street to Naniloa Loop; (19) Southeasterly along said loop to Kamehameha Highway; (20) Northerly and northwesterly along said highway to unnamed stream; (21) Northeasterly along said unnamed stream to point of beginning.

48TH REPRESENTATIVE DISTRICT

That portion of the Island of Oahu for convenience herein referred to as Heeia, Haiku Valley, Kapunahala and portion of Kaneohe, more particularly described as follows: Beginning at the intersection of Heeia Street and Kamehameha Highway and running (1) Southeasterly and southwesterly along said highway Pua Ina Street; (2) Easterly along said street to Pua Alowalo Street; (3) Southerly and southeasterly along said street to Makalani Street; (4) Southeasterly along said street to Puohala Street; (5) Northeasterly along said street to Kaneohe Bay Drive; (6) Northeasterly and easterly along said drive to Moakaka Place; (7) Southeasterly along said place to powerline; (8) Southeasterly along said powerline to H-3 Freeway; (9) Southwesterly along said freeway to Kamehameha Highway; (10) Southeasterly along said highway to Pali Highway; (11) Southwesterly, northwesterly and southwesterly along said highway to Koolau Ridge; (12) Northwesterly along said ridge to H-3 Freeway; (13) Easterly and southeasterly along said freeway to Haiku Road; (14) Northeasterly along said road to Kahekili Highway; (15) Northwesterly along said highway to Puolena Stream; (16) Southeasterly along said stream to Nahewai Street; (17) Northeasterly along said street to Kalali Street; (18) Northeasterly along said street to Alaloa Street; (19) Southeasterly along said street to Heeia Street; (20) Northeasterly along said street to point of beginning.

49TH REPRESENTATIVE DISTRICT

Includes the island of Moku O Loe and that portion of the Island of Oahu for convenience herein referred to as Maunawili, Olomana, Enchanted Lake and portion of Kaneohe, more particularly described as follows: Beginning at the intersection of Mokapu Boulevard and east boundary of Kawainui Marsh and running (1) Southeasterly

along said boundary to Puuoeahu Ridge; (2) Southeasterly and southwesterly along said ridge to Akiohala Street; (3) Southeasterly along said street to Keolu Drive; (4) Northeasterly and southwesterly along said drive to Kalaniana'ole Highway; (5) Southeasterly along said highway to Olomana Stream; (6) Southwesterly along said stream to Aniani Nui Ridge; (7) Southwesterly along said ridge to Koolau Ridge; (8) Northwesterly along said ridge to Pali Highway; (9) Northeasterly, southeasterly and northeasterly along said highway to Kamehameha Highway; (10) Northwesterly along said highway to H-3 Freeway; (11) Easterly and northeasterly along said freeway to powerline; (12) Northwesterly along said powerline to Moakaka Place; (13) Northwesterly along said place to Kaneohe Bay Drive; (14) Westerly and southwesterly along said drive to Puohala Street; (15) Northwesterly along said street to Makalani Street; (16) Southwesterly along said street to Pua Alowalo Street; (17) Northwesterly and northerly along said street to Pua Ania Street; (18) Northwesterly along said street to Kamehameha Highway; (19) Northeasterly along said highway to Heeia Stream; (20) Southeasterly along said stream to shoreline; (21) Southeasterly, northeasterly, southeasterly and easterly along said shoreline to Likeke Place; (22) Southerly along said place to Kaneohe Bay Drive; (23) Northeasterly along said drive to Mokapu Saddle Road; (24) Southeasterly along said road to Mokapu Boulevard; (25) Northeasterly along said boulevard to point of beginning.

50TH REPRESENTATIVE DISTRICT

Includes the island of Moku Manu and that portion of the Island of Oahu for convenience herein referred to as Kaneohe Marine Corp Base and Kailua, more particularly described as follows: Beginning at the intersection of shoreline and Kaelepulu Stream boundary and running (1) Northwesterly along said boundary to Lihikai Road; (2) Westerly along said road to South Kalaheo Avenue; (3) Northwesterly along said avenue to Kailua Road; (4) Southwesterly and northwesterly along said road to Aoloa Street; (5) Southwesterly along said street to Hamakua Drive; (6) Southeasterly along said drive to Kaelepulu Stream; (7) Easterly along said stream to Wanaao Road; (8) Southerly and southwesterly along said road to Keolu Drive; (9) Northwesterly and southwesterly along said drive to Akiohala Street; (10) Northwesterly along said street to Puu O Ehu Ridge; (11) Northeasterly and northwesterly along said ridge to east boundary of Kawainui Marsh; (12) Northwesterly along said boundary to Mokapu Boulevard; (13) Southwesterly along said boulevard to Mokapu Saddle Road; (14) Northwesterly along said road to Kaneohe Bay Drive; (15) Northwesterly along said drive to Likeke Place; (16) Northerly along said place to shoreline; (17) Northeasterly, northwesterly, northeasterly, easterly and southeasterly along said shoreline to point of beginning.

51ST REPRESENTATIVE DISTRICT

Includes the island of Kaula, the Northwestern Hawaiian Islands (Nihoa, Necker, 12 islands at French Frigate Shoals, 2 islands at Gardner Pinnacles, Laysan, Lisianski, 8 islands at Pearl and Hermes Atoll, 3 islands at Kure Atoll), the islands of Popoia, Manana and Kaohikaipu, and that portion of the Island of Oahu for convenience herein referred to as Lanikai and Waimanalo, more particularly described as follows: Beginning at the intersection of Kaelepulu Stream boundary and shoreline and running (1) Southeasterly along said shoreline to Koolau Ridge; (2) Southwesterly and northwesterly along said

ridge to Aniani Nui Ridge; (3) Northerly and northeasterly along said ridge to Olomana Stream; (4) Easterly and northeasterly along said stream to Kalaniana'ole Highway; (5) Northwesterly along said highway to Keolu Drive; (6) Northeasterly and northwesterly along said drive to Wanaao Road; (7) Northeasterly and northerly along said road to Kaelepulu Stream; (8) Westerly along said stream to Hamakua Drive; (9) Northwesterly along said drive to Aoloa Street; (10) Northeasterly along said street to Kailua Road; (11) Southeasterly and northeasterly along said road to South Kalaheo Avenue; (12) Southeasterly along said avenue to Lihikai Road; (13) Easterly along said road to Kalaepulu Stream boundary; (14) Northeasterly along said boundary to point of beginning.

SENATORIAL DISTRICTS

1ST SENATORIAL DISTRICT

This district is comprised of a portion of the 1st, all of the 2nd, and portions of the 3rd and 7th Representative Districts and described as follows: Beginning at the intersection of hawaii shoreline and South Hilo - Puna District boundary and running (1) Southwesterly along said boundary to school district boundary; (2) Southwesterly along said boundary to Puna Trail; (3) Southeasterly along said Trail to unnamed road; (4) Southwesterly and northwesterly along said unnamed road to school district boundary; (5) Southwesterly along said boundary to unnamed road; (6) Southerly and southwesterly along said unnamed road to Railroad Avenue; (7) Southeasterly along said avenue to East Kahaopea Street; (8) Westerly along said street to Ahuna Road; (9) Southeasterly along said road to East Kawaihine Street; (10) Westerly along said street to West Kawaihine Street; (11) Westerly along said street to Waiakea Stream; (12) Northeasterly along said stream to Komohana Street; (13) Northerly along said street to powerline; (14) Westerly along said powerline to school district boundary; (15) Southwesterly along said district boundary to Waiakea Forest Reserve boundary; (16) Southwesterly along said boundary to school district boundary; (17) Southwesterly and southerly along said boundary to South Hilo - Kau District boundary; (18) Northwesterly along said boundary to South Hilo - North Hilo District boundary; (19) Northwesterly along said boundary to Saddle Road; (20) Northeasterly along said road to Pohakuloa Training Area boundary; (21) Northeasterly, northwesterly, southwesterly and northwesterly along said boundary to Saddle Road; (22) Northwesterly along said road to Pohakuloa Training Area boundary; (23) Northeasterly and northwesterly along said boundary to Mauna Kea Forest Reserve boundary; (24) Northwesterly along said boundary to Auwahi Gulch; (25) Northwesterly along said gulch to South Kohala - Hamakua District boundary; (26) Northeasterly along said boundary to jeep trail; (27) Northwesterly and westerly along said jeep trail to unnamed road; (28) Southwesterly along said unnamed road to jeep trail; (29) Northwesterly along said jeep trail to unnamed road; (30) Northwesterly along said unnamed road to Mamaloa Highway; (31) Southerly along said highway to jeep trail; (32) Southwesterly and northerly along said jeep trail to Waikoloa Stream; (33) Southwesterly along said stream to Waiulaula Gulch; (34) Westerly along said gulch to powerline; (35) Northwesterly along said powerline to Kawaihine Road; (36) Westerly along said road to Kawaihine Waimea Road; (37) Northerly and easterly along said road to Pauahi Gulch; (38) Northerly along said gulch to Kohala Mountain Road; (39)

Northwesterly along said road to Waipahoehoe Gulch; (40) Northeasterly along said gulch to Puu O Umi Natural Area Reserve boundary; (41) Northwesterly, northeasterly, southeasterly and northeasterly along said boundary to North Kohala – South Kohala District boundary; (42) Southeasterly along said boundary to Hamakua – North Kohala District boundary; (43) Northwesterly and northerly along said boundary to Honokea Stream; (44) Northeasterly along said stream to shoreline; (45) Southeasterly along said shoreline to point of beginning.

2ND SENATORIAL DISTRICT

This district is comprised of a portion of the 3rd, all of the 4th and a portion of the 5th Representative Districts and described as follows: Beginning at the intersection of shoreline and Manuka Natural Area Reserve boundary and running (1) Northeasterly along said boundary to Manuka Natural Area Reserve boundary extension; (2) Northeasterly along said extension to Southwest Rift Zone; (3) Northeasterly along said zone to Hawaii Volcanoes National Park boundary; (4) Northwesterly, northeasterly, southeasterly, northeasterly and southeasterly along said boundary to jeep trail; (5) Northwesterly, northeasterly and northerly along said jeep trail to Puu Oo Volcano Trail; (6) Northerly along said trail to South Hilo – Kau District boundary; (7) Southeasterly along said boundary to school district boundary; (8) Northerly and northeasterly along said boundary to Waiakea Forest Reserve boundary; (9) Northeasterly along said boundary to school district boundary; (10) Northeasterly along said boundary to powerline; (11) Northeasterly along said powerline to Komohana Street; (12) Southerly along said street to Waiakea Stream; (13) Southwesterly along said stream to West Kawaihine Street; (14) Easterly along said street to East Kawaihine Street; (15) Easterly along said street to Ahuna Road; (16) Northwesterly along said road to East Kahaopea Street; (17) Easterly along said street to Railroad Avenue; (18) Northwesterly along said avenue to unnamed road; (19) Northeasterly along said unnamed road to unnamed road extension; (20) Northeasterly along said extension to unnamed road; (21) Southeasterly and northerly along said unnamed road to school district boundary; (22) Easterly along said boundary to unnamed road; (23) Easterly along said unnamed road to Puna Trail; (24) Northwesterly along said trail to school district boundary; (25) Northeasterly and easterly along said boundary to South Hilo – Puna District boundary; (26) Northeasterly along said boundary to shoreline; (27) Southerly, southeasterly, southwesterly and northwesterly along said shoreline to point of beginning.

3RD SENATORIAL DISTRICT

This district is comprised of portions of the 1st and 5th, all of the 6th and portion of the 7th Representative Districts and described as follows: Beginning at the intersection of shoreline and Honokea Stream and running (1) Southwesterly along said stream to Hamakua – North Kohala District boundary; (2) Southerly and southeasterly along said boundary to North Kohala – South Kohala District boundary; (3) Northwesterly along said boundary to Puu O Umi Natural Area Reserve boundary; (4) Southwesterly, southerly, and southeasterly along said boundary to Waipahoehoe Gulch; (5) Southwesterly along said gulch to Kohala Mountain Road; (6) Southeasterly along said road to Pauahi Gulch; (7) Southerly along said gulch to Kawaihine Waimea Road; (8) Westerly and southerly along said road to Kawaihine Road; (9) Easterly along said road to

powerline; (10) Southerly along said powerline to Waiulaula Gulch; (11) Southeasterly along said gulch to Waikoloa Stream; (12) Easterly along said stream to jeep trail; (13) Southerly and northeasterly along said jeep trail to Mamalahoa Highway; (14) Northerly along said highway to unnamed road; (15) Southeasterly along said unnamed road to jeep trail; (16) Southeasterly along said jeep trail to unnamed road; (17) Easterly and northeasterly along said unnamed road to jeep trail; (18) Easterly and southeasterly along said jeep trail to South Kohala – Hamakua District boundary; (19) Southwesterly along said boundary to Auwaiakeakua Gulch; (20) Southeasterly along said gulch to Mauna Kea Forest Reserve boundary; (21) Southwesterly and southeasterly along said boundary to Pohakulola Training Area boundary; (22) Generally southwesterly along said boundary to Saddle Road; (23) Southeasterly and southwesterly along said road to Pohakuloa Training Area boundary; (24) Southwesterly along said boundary to Saddle Road; (25) Southeasterly along said road to South Hilo – North Hilo District boundary; (26) Southeasterly along said boundary to South Hilo – Kau District boundary; (27) Southeasterly along said boundary to Puu Oo Volcano Trail; (28) Southerly along said trail to jeep trail; (29) Southerly, southeasterly, southwesterly and southeasterly along said jeep trail to Hawaii Volcanoes National Park boundary; (30) Northwesterly, southwesterly, northwesterly, southwesterly and southeasterly along said boundary to Southwest Rift Zone; (31) Southwesterly along said zone to Manuka Natural Area Reserve boundary extension; (32) Southwesterly along said extension to Manuka Natural Area Reserve boundary; (33) Southwesterly along said boundary to shoreline; (34) Northerly, northwesterly, northeasterly, northwesterly and southeasterly along said shoreline to point of beginning.

4TH SENATORIAL DISTRICT

This district is comprised of the 8th and 9th Representative Districts and described as follows: Beginning at the intersection of shoreline and HP Baldwin County Park boundary and running (1) Southwesterly along said boundary to Kailua Gulch; (2) Southeasterly along said gulch to Hana Highway; (3) Northeasterly along said highway to Kulani Place; (4) Southeasterly along said place to unnamed road; (5) Southeasterly along said unnamed road to Lower Hamakuapoko Road; (6) Southwesterly along said road to unnamed road; (7) Westerly and southwesterly along said unnamed road to Kailua Gulch; (8) Southeasterly along said gulch to Lowrie Ditch; (9) Southwesterly along said ditch to Spanish Road; (10) Southwesterly and northwesterly along said road to East Waiko Road; (11) Westerly along said road to unnamed road; (12) Southwesterly, northwesterly and westerly along said unnamed road to Honoapiilani Highway; (13) Southwesterly along said highway to unnamed road; (14) Northwesterly along said unnamed road to footpath; (15) Westerly along said footpath to Waikapu Stream; (16) Westerly along said stream to Waikapu Stream extension; (17) Southwesterly along said extension to Lahaina - Wailuku District boundary; (18) Northwesterly and northerly along said boundary to shoreline; (19) Southeasterly and northeasterly along said shoreline to point of beginning.

5TH SENATORIAL DISTRICT

This district is comprised of the 10th and 11th Representative Districts and described as follows: Beginning at the intersection of East Waiko Road and Spanish

Road and running (1) Southeasterly and northeasterly along said road to Lowrie Ditch; (2) Southerly along said ditch to Pulehu Gulch; (3) Southeasterly along said gulch to Waiakoa Road; (4) Southwesterly along said road to Waiakoa Road extension; (5) Southwesterly along said extension to Kihei CDP boundary; (6) Southerly along said boundary to unnamed road; (7) Southwesterly along said unnamed road to Kenolio Street; (8) Southeasterly along said street to eastern boundary of DHHL parcel; (9) Southwesterly along said boundary to jeep trail; (10) Southerly and southeasterly along said jeep trail to Kealakapu Road; (11) Southeasterly along said road to Kula Highway; (12) Southwesterly along said highway to jeep trail; (13) Southwesterly along said jeep trail to Kanaio-Kalama Park Road; (14) Southeasterly along said road to Piilani Highway; (15) Southeasterly along said highway to Kepuni Gulch; (16) Southeasterly along said gulch to shoreline; (17) Westerly, northerly and northwesterly along said shoreline to Lahaina-Wailuku District boundary; (18) Southerly and southeasterly along said boundary to Waikapu Stream extension; (19) Northeasterly along said extension to Waikapu Stream; (20) Easterly along said stream to footpath; (21) Southeasterly and easterly along said footpath to unnamed road; (22) Easterly and southeasterly along said unnamed road to Honoapiilani Highway; (23) Northeasterly along said highway to unnamed road; (24) Easterly, southeasterly and northeasterly along said unnamed road to East Waiko Road; (25) Easterly along said road to point of beginning.

6TH SENATORIAL DISTRICT

This district is comprised of the 12th and 13th Representative Districts and includes Kahoolawe, Molokini, Lanai, and Molokai and described as follows: Beginning at the intersection of HP Baldwin County Park boundary and shoreline and running (1) Northeasterly, southeasterly, southerly and southwesterly along said shoreline to Kepuni Gulch; (2) Northwesterly along said gulch to Piilani Hwy; (3) Westerly and northwesterly along said highway to Kanaio-Kalama Park Road; (4) Northwesterly along said road to jeep trail; (5) Northeasterly and easterly along said jeep trail to Kula Hwy; (6) Northwesterly along said highway to Kealakapu Road; (7) Northeasterly and northwesterly along said jeep trail to eastern boundary of DHHL parcel; (8) Northeasterly along said boundary to Kenolio Street; (9) Northwesterly along said street to unnamed road; (10) Northeasterly along said unnamed road to Kihei CDP boundary; (11) Northerly along said boundary to Waiakoa Road extension; (12) Northeasterly along said extension to Waiakoa Road; (13) Northeasterly along said road to Pulehu Gulch; (14) Northwesterly along said gulch to Lowrie Ditch; (15) Northeasterly along said ditch on Kailua Gulch; (16) Northwesterly along said gulch to unnamed road; (17) Northeasterly and easterly along said unnamed road to Lower Hamakuapoko Road; (18) Northerly along said road to unnamed road; (19) Northwesterly along said unnamed road to Kulani Place; (20) Northwesterly along said place to Hana Highway; (21) Southwesterly along said highway to Kailua Gulch; (22) Northwesterly along said gulch to HP Baldwin County Park boundary; (23) Northeasterly along said boundary to point of beginning.

7TH SENATORIAL DISTRICT

This district is comprised of the islands of Kauai and Niihau; more specifically the 14th, 15th and 16th Representative Districts.

8TH SENATORIAL DISTRICT

This district is comprised of portion of 17th, all of the 18th and a portion of the 19th Representative Districts and described as follows: Beginning at the intersection of Koolau Ridge and Kalaniana'ole Highway and running (1) Southerly and southwesterly along said highway to Hawaii Kai Championship Golf Course boundary; (2) Northwesterly, northerly, southwesterly, northwesterly, southwesterly, southerly and westerly along said boundary to Mokuhano Street; (3) Northwesterly and westerly along said street to Kealahou Street; (4) Southerly along said street to Hawaii Kai Drive; (5) Southwesterly and northwesterly along said drive to Lunalilo Home Road; (6) Southwesterly along said road to Wailua Street; (7) Northwesterly along said street to Hawaii Kai Drive; (8) Southwesterly, northwesterly and southwesterly along said drive to Kalaniana'ole Highway; (9) Northwesterly along said highway to shoreline; (10) Westerly, northwesterly, southwesterly and westerly along said shoreline to Diamond Head Lighthouse boundary; (11) Northeasterly along said boundary to Beach Road; (12) Northwesterly along said road to Diamond Head Road; (13) Westerly along said road to Diamond Head State Park boundary; (14) Northwesterly, northeasterly, southeasterly, northeasterly and northwesterly along said boundary to Diamond Head Road; (15) Easterly and southeasterly along said road to 18th Avenue; (16) Northeasterly along said avenue to Kilauea Avenue; (17) Southeasterly along said avenue to 20th Avenue; (18) Northeasterly along said avenue to Luawai Street; (19) Southeasterly along said street to 21st Avenue; (20) Northeasterly along said avenue to Waialae Avenue; (21) Easterly along said avenue to East Maunalani Heights rim of bluff; (22) Northeasterly along said bluff to Forest Reserve boundary; (23) Northeasterly along said boundary to Waialae Nui Stream; (24) Northeasterly along said stream to Koolau Ridge; (25) Southeasterly along said ridge to point of beginning.

9TH SENATORIAL DISTRICT

This district is comprised of a portion of the 19th, all of the 20th and a portion of the 21st Representative Districts and described as follows: Beginning at the intersection of Koolau Ridge and Waialae Nui Stream and running (1) Southwesterly along said stream to Forest Reserve boundary; (2) Southwesterly along said boundary to East Maunalani Heights rim of bluff; (3) Southwesterly along said bluff to Waialae Avenue; (4) Westerly along said avenue to 21st Avenue; (5) Southwesterly along said avenue to Luawai Street; (6) Northwesterly along said street to 20th Avenue; (7) Southwesterly along said avenue to Kilauea Avenue; (8) Northwesterly along said avenue to 18th Avenue; (9) Southwesterly along said avenue to Diamond Head Road; (10) Northwesterly and westerly along said avenue to Diamond Head State Park boundary; (11) Southeasterly, southwesterly, northwesterly, southwesterly and southeasterly along said boundary to Diamond Head Road; (12) Easterly along said road to Beach Road; (13) Southeasterly along said road to Diamond Head Lighthouse boundary; (14) Southwesterly along said boundary to shoreline; (15) Westerly and northwesterly along said shoreline to Kapahulu Groin; (16) Easterly along said groin to Kapahulu Avenue; (17) Northeasterly along said avenue to Ala Wai Boulevard; (18) Northwesterly along said boulevard to Ala Wai Park boundary; (19) Northeasterly along said boundary to Ala Wai Canal; (20) Northwesterly along said canal to Manoa - Palolo Drainage Canal; (21) Easterly and northeasterly along said canal to Manoa Stream; (22) Northeasterly along said stream to Kapiolani

Boulevard; (23) Easterly along said boulevard to Waialae Avenue; (24) Easterly along said avenue to Saint Louis Drive; (25) Northeasterly and northwesterly along said drive to Dole Street; (26) Northerly and northwesterly along said street to Waahila Ridge; (27) Northeasterly along said ridge to Koolau Ridge; (28) Easterly and southeasterly along said ridge to point of beginning.

10TH SENATORIAL DISTRICT

This district is comprised of portions of the 21st and 22nd, all of the 24th and a portion of the 25th Representative Districts and described as follows: Beginning at the intersection of Koolau Ridge and Waahila Ridge and running (1) Southwesterly along said ridge to Dole Street; (2) Southeasterly along said street to Saint Louis Drive; (3) Southwesterly along said drive to Waialae Avenue; (4) Westerly along said avenue to Kapiolani Boulevard; (5) Westerly and southwesterly along said boulevard to Manoa Stream; (6) Southwesterly along said stream to Manoa - Palolo Drainage Canal; (7) Southwesterly and westerly along said canal to Ala Wai Canal; (8) Northwesterly along said canal to McCully Street; (9) Northeasterly along said street to South King Street; (10) Northwesterly along said street to Punahou Street; (11) Northeasterly along said street to H-1 Freeway; (12) Northwesterly along said freeway to Makiki Ditch; (13) Northeasterly along said ditch to Wilder Avenue; (14) Southeasterly along said avenue to Poki Street; (15) Northeasterly along said street to Nehoa Street; (16) Northwesterly along said street to Ualakaa Street; (17) Northeasterly along said street to Puualii Place; (18) Easterly along said place to Puualii Place extension; (19) Northeasterly along said extension to Forest Reserve boundary; (20) Northeasterly along said boundary to Eastern Slope of Tantalus; (21) Northerly and northwesterly along said slope to Waihi - Lulumahu Stream Divide; (22) Northerly and northeasterly along said divide to Koolau Ridge; (23) Southeasterly along said ridge to point of beginning.

11TH SENATORIAL DISTRICT

This district is comprised of portions of the 22nd, 25th, 26th and 28th Representative Districts and described as follows: Beginning at the intersection of Western Slope of Tantalus and Eastern Slope of Tantalus and running (1) Southeasterly and southerly along said slope to Forest Reserve boundary; (2) Southwesterly along said boundary to Puualii Place extension; (3) Southwesterly along said extension to Puualii Place; (4) Westerly along said place to Ualakaa Street; (5) Southwesterly along said street to Nehoa Street; (6) Southeasterly along said street to Poki Street; (7) Southwesterly along said street to Wilder Avenue; (8) Northwesterly along said avenue to Makiki Ditch; (9) Southwesterly along said ditch to H-1 Freeway; (10) Southeasterly along said freeway to Punahou Street; (11) Southwesterly along said street to South King Street; (12) Southeasterly along said street to McCully Street; (13) Southwesterly along said street to Ala Wai Canal; (14) Northwesterly and westerly along said canal to Kalakaua Avenue; (15) Northwesterly along said avenue to Kapiolani Boulevard; (16) Westerly and northwesterly along said boulevard to Pensacola Street; (17) Northeasterly along said street to Kinau Street; (18) Northwesterly along said street to Lusitana Street; (19) Northwesterly along said street to Vineyard Boulevard; (20) Northwesterly along said boulevard to Pali Highway; (21) Northeasterly along said highway to Pauoa Stream; (22) Northeasterly and easterly along said stream to Kekuanoni Street extension; (23)

Northeasterly along said extension to Kekuanoni Street; (24) Northeasterly along said street to Forest Reserve boundary; (25) Southerly and northeasterly along said boundary to Western Slope of Tantalus; (26) Northeasterly along said slope to point of beginning.

12TH SENATORIAL DISTRICT

This district is comprised of a portion of the 21st, all of the 23rd and a portion of the 28th Representative Districts and described as follows: Beginning at the intersection of Kapalama Canal and Olomea Street and running (1) Southeasterly along said street Vineyard Boulevard; (2) Southeasterly along said boulevard to Lusitana Street; (3) Southeasterly along said street to Kinau Street; (4) Southeasterly along said street to Pensacola Street; (5) Southwesterly along said street to Kapiolani Boulevard; (6) Southeasterly and easterly along said boulevard to Kalakaua Avenue; (7) Southeasterly along said avenue to Ala Wai Canal; (8) Easterly and southeasterly along said canal to Ala Wai Park boundary; (9) Southwesterly along park boundary to Ala Wai Boulevard; (10) Southeasterly along said boulevard to Kapahulu Avenue; (11) Southwesterly along said avenue to Kapahulu Groin; (12) Westerly along said groin to shoreline; (13) Northwesterly along said shoreline to Kapalama Canal; (14) Northeasterly along said canal to point of beginning.

13TH SENATORIAL DISTRICT

This district is comprised of a portion of the 26th, all of the 27th and a portion of the 29th Representative Districts and described as follows: Beginning at the intersection of Nuuanu-Kapalama Land Division boundary and Koolau Ridge and running (1) Easterly and southeasterly along said ridge to Waihi-Lulumahu Stream Divide; (2) Southwesterly and southerly along said divide to Western Slope of Tantalus; (3) Southwesterly along said slope to Forest Reserve boundary; (4) Southwesterly and northerly along said boundary to Kekuanoni Street; (5) Southwesterly along said street to Kekuanoni Street extension; (6) Southwesterly along said extension to Pauoa Stream; (7) Southwesterly along said stream to Pali Highway; (8) Southwesterly along said highway to Vineyard Boulevard; (9) Northwesterly along said boulevard to Olomea Street; (10) Northwesterly along said street to Kapalama Canal; (11) Southwesterly along said canal to shoreline; (12) Southwesterly and northwesterly along said shoreline to Kalihi Stream; (13) Northeasterly along said stream to Kamehameha Highway; (14) Southeasterly along said highway to Puuhale Road; (15) Northeasterly along said road to North King Street; (16) Southeasterly along said street to Kaili Street; (17) Northeasterly along said street to H-1 Freeway; (18) Southeasterly along said freeway to Houghtailing Street; (19) Northeasterly along said street to Hillcrest Street; (20) Northerly along said street to Kealia Drive; (21) Northeasterly along said drive to school district boundary; (22) Northeasterly along said boundary to Nuuanu-Kapalama Land Division boundary; (23) Northeasterly along said boundary to point of beginning.

14TH SENATORIAL DISTRICT

This district is comprised of a portion of the 29th, all of the 30th and portions of the 31st and 33rd Representative Districts and described as follows: Beginning at the intersection of ridge above Puu Kawipoo and Koolau Ridge and running (1) Southeasterly along said ridge to Nuuanu-Kapalama Land Division boundary; (2)

Southwesterly along said boundary to school district boundary; (3) Southwesterly along said boundary to Kealia Drive; (4) Southwesterly along said drive to Hillcrest Street; (5) Southerly along said street to Houghtailing Street; (6) Southwesterly along said street to H-1 Freeway; (7) Northwesterly along said freeway to Kaili Street; (8) Southwesterly along said street to North King Street; (9) Northwesterly along said street to Puuhale Road; (10) Southwesterly along said road to Kamehameha Highway; (11) Northwesterly along said highway to Laumaka Street; (12) Northeasterly along said street to Bannister Street; (13) Easterly and northeasterly along said street to North King Street; (14) Northwesterly along said street to Kalihi Stream; (15) Northeasterly along said stream to H-1 Freeway; (16) Northwesterly along said freeway to Moanalua Freeway; (17) Northwesterly along said freeway to Kaua Street; (18) Southeasterly along said street to west boundary of Fort Shafter; (19) Northerly and northeasterly along said boundary to Ala Waiopua Street; (20) Northwesterly along said street to Ala Mahamoe Street; (21) Northeasterly and northwesterly along said street to Apona Street; (22) Northwesterly along said street to Jarret White Road; (23) Southerly along said road to Ala Mahamoe Street; (24) Northwesterly along said street to Mahaoo Place; (25) Southerly and southwesterly along said place to Moanalua Stream; (26) Southwesterly along said stream to Mahiole Street; (27) Westerly along said street to Moanalua Freeway; (28) Northwesterly along said freeway to H-1 Freeway; (29) Northwesterly along said freeway to Kulina Street; (30) Northeasterly along said street to Ulune Street; (31) Northerly along said street to Aiea Stream; (32) Southeasterly and northeasterly along said stream to Auamo Street; (33) Northwesterly along said street to Holoai Street; (34) Northeasterly along said street to Aiea Stream; (35) Northeasterly along said stream to Aiea Stream extension; (36) Northeasterly along said extension to unnamed ridge over Puu Kawipoo; (37) Northeasterly along said ridge to Koolau Ridge; (38) Northeasterly along said ridge to point of beginning.

15TH SENATORIAL DISTRICT

This district is comprised of a portion of the 31st and all of the 32nd Representative Districts and described as follows: Beginning at the intersection of Kaonohi Street and H-1 Freeway and running (1) Southeasterly along said freeway to Moanalua Freeway; (2) Southeasterly along said freeway to Mahiole Street; (3) Easterly along said street to Moanalua Stream; (4) Northeasterly along said stream to Mahaoo Place; (5) Northeasterly and northerly along said place Ala Mahamoe Street; (6) Southeasterly along said street to Jarret White Road; (7) Northerly along said road to Apona Street; (8) Southeasterly along said street to Ala Mahamoe Street; (9) Southeasterly and southwesterly along said street to Ala Waiopua Street; (10) Southeasterly along said street to West boundary of Fort Shafter; (11) Southwesterly along said boundary to Kaua Street; (12) Northwesterly along said street to Moanalua Freeway; (13) Southeasterly along said freeway to H-1 Freeway; (14) Southeasterly along said freeway to Kalihi Stream; (15) Southwesterly along said stream to North King Street; (16) Southeasterly along said street to Bannister Street; (17) Southwesterly and westerly along said street to Laumaka Street; (18) Southwesterly along said street to Kamehameha Highway; (19) Northwesterly along said highway to Kalihi Stream; (20) Southwesterly along said stream to shoreline; (21) Westerly, northeasterly, southwesterly, westerly, northwesterly, northeasterly and northwesterly along said shoreline to Drainage Canal; (22)

Northeasterly along said canal to Kamehameha Highway; (23) Northwesterly along said highway to Kaonohi Street; (24) Northeasterly along said street to point of beginning.

16TH SENATORIAL DISTRICT

This district is comprised of portions of the 33rd, 34th, and the 36th Representative Districts and described as follows: Beginning at the intersection of Kipapa Stream and Koolau Ridge and running (1) Southeasterly along said ridge to unnamed ridge above Puu Kawipoo; (2) Southwesterly along said ridge to Aiea Stream extension; (3) Southwesterly along said ridge extension to Aiea Stream; (4) Southwesterly along said stream to Holoai Street; (5) Westerly along said street to Auamo Street; (6) Southeasterly along said street to Aiea Stream; (7) Southwesterly and northwesterly along said stream to Ulune Street; (8) Southerly along said street to Kulina Street; (9) Southwesterly along said street to H-1 Freeway; (10) Northwesterly along said freeway to Kaonohi Street; (11) Southwesterly along said street to Kamehameha Highway; (12) Southeasterly along said highway to Drainage Canal; (13) Southwesterly along said drainage canal to shoreline; (14) Northwesterly along said shoreline to west boundary of Neal Blaisdell Park; (15) Northeasterly along said boundary to Kamehameha Highway; (16) Northwesterly along said highway to Waimano Home Road; (17) Northeasterly along said road to Komo Mai Drive; (18) Northwesterly and northeasterly along said drive to Waimano Stream; (19) Southwesterly and northwesterly along said stream to Naval Reservation boundary; (20) Northerly, northwesterly and southwesterly along said boundary to Waiawa Stream; (21) Southwesterly along said stream to Cane Haul Road; (22) Westerly and southwesterly along said road to H-2 Freeway; (23) Northwesterly, northeasterly and northwesterly along said freeway to Kipapa Stream; (24) Northeasterly along said stream to point of beginning.

17TH SENATORIAL DISTRICT

This district is comprised of all of the 37th and portions of the 38th and 39th Representative Districts and described as follows: Beginning at the intersection of Schofield Barracks Military Reserve boundary and Koolau Ridge and running (1) Easterly and southeasterly along said ridge to Kipapa Stream; (2) Southwesterly along said stream to H-2 Freeway; (3) Southeasterly, southwesterly and southeasterly along said freeway to Mohalu Street extension; (4) Southwesterly along said extension to Waipio Uka Street; (5) Southeasterly and southwesterly along said street to Kamehameha Highway; (6) Northwesterly along said highway to powerline; (7) Southwesterly along said powerline to Military Reservation boundary; (8) Northwesterly and northeasterly along said boundary to Kamehameha Highway; (9) Northwesterly along said highway to Schofield Barracks Military Reserve boundary; (10) Northeasterly along said boundary to H-2 Freeway; (11) Southeasterly along said freeway to Meheula Parkway; (12) Northeasterly along said parkway to Meheula Parkway extension; (13) Easterly along said extension to unnamed road; (17) Northeasterly, northwesterly and northeasterly along said unnamed road to Military Reservation boundary; (18) Northeasterly, westerly and northerly along said boundary to Schofield Barracks Military Reserve boundary; (19) Northeasterly along said boundary to point of beginning.

18TH SENATORIAL DISTRICT

This district is comprised of a portion of the 34th, all of the 35th and portions of the 36th, 41st and 42nd Representative Districts and described as follows: Beginning at the intersection of Waimano Stream and Komo Mai Drive and running (1) Southwesterly and southeasterly along said drive to Waimano Home Road; (2) Southwesterly along said road to Kamehameha Highway; (3) Southeasterly along said highway to west boundary of Neal Blaisdell Park; (4) Southwesterly along said boundary to shoreline; (5) Northwesterly along said shoreline old railroad grade; (6) Northeasterly along said boundary to Kapakahi Stream; (7) Northwesterly along said stream to Farrington Highway; (8) Southwesterly along said highway to Leokane Street; (9) Northwesterly along said street to Leowahine Street; (10) Northeasterly and northwesterly along said street to Waipahu Street; (11) Southwesterly along said street to Fort Weaver Road; (12) Northwesterly along said road to H-1 Freeway; (13) Northeasterly and easterly along said freeway to Kamehameha Highway; (14) Northwesterly along said highway to Waipio Uka Street; (15) Northeasterly and northwesterly along said street to Mohalu Street extension; (16) Northeasterly along said extension to H-2 Freeway; (17) Southeasterly along said freeway to Cane Haul Road; (18) Northeasterly and easterly along said road to Waiawa Stream; (19) Northeasterly along said stream to Naval Reservation boundary; (20) Northwesterly, northeasterly and southerly along said boundary to Waimano Stream; (21) Southeasterly and northeasterly along said stream to point of beginning.

19TH SENATORIAL DISTRICT

This district is comprised of all of the 40th and portions of the 41st and 44th Representative Districts and described as follows: Beginning at intersection of Waiahole Ditch and Military Reservation boundary and running (1) Southeasterly along said boundary to powerline; (2) Northeasterly along said powerline to Kamehameha Highway; (3) Southeasterly along said highway to H-1 Freeway; (4) Westerly and southwesterly along said freeway to Fort Weaver Road; (5) Southeasterly along said road to Waipahu Street; (6) Northeasterly along said street to Leowahine Street; (7) Southeasterly and southwesterly along said street to Leokane Street; (8) Southeasterly along said street to Farrington Highway; (9) Southwesterly along said highway to Kalo Gulch; (10) Southerly along said gulch to unnamed road; (11) Southeasterly along said unnamed road to unnamed road extension; (12) Southeasterly along said extension to railroad track; (13) Southeasterly along said railroad to Roosevelt Avenue extension; (14) Easterly along said extension to Roosevelt Avenue; (15) Easterly along said avenue to Sewage plant boundary; (16) Southerly and southeasterly along said boundary to Essex Road; (17) Southeasterly, southwesterly and southerly along said road to southeast boundary Barbers Point NAS; (18) Southerly along said boundary to shoreline; (19) Southwesterly and northwesterly along said shoreline to Ko Olina Golf Club boundary; (20) Northeasterly along said boundary to Military Railroad; (21) Northwesterly along said railroad to Aliinui Drive; (22) Northeasterly along said drive to Koio Drive; (23) Northwesterly along said drive to Farrington Highway; (24) Southeasterly along said highway to Palailai Gulch; (25) Northeasterly along said gulch to Palehua Road; (26) Westerly and northeasterly along said road to Waianae Ridge; (27) Southeasterly along said ridge to Huliwai Gulch; (28) Southeasterly along said gulch to Waiahole Ditch; (29) Northerly, northeasterly along said ditch to point of beginning.

20TH SENATORIAL DISTRICT

This district is comprised of a portion of the 42nd and all of the 43rd Representative Districts and described as follows: Includes Laulaunui Island in Pearl Harbor West Loch and the following: Beginning at the intersection of Farrington Highway and Kapakahi Stream and running (1) Southeasterly along said stream to old railroad grade; (2) Southwesterly along said boundary to shoreline; (3) Southwesterly and along said shoreline to southeast boundary Barbers Point NAS; (4) Northerly along said boundary to Essex Road; (5) Northerly, northeasterly and northwesterly along said road to Sewage plant boundary; (6) Northerly along said boundary to Roosevelt Avenue; (7) Westerly along said boundary to Roosevelt Avenue extension; (8) Westerly along said extension to railroad track; (9) Northwesterly along said track to unnamed road extension; (10) Northwesterly along said extension to unnamed road; (11) Northwesterly along said road to Kaloi Gulch; (12) Northerly along said gulch to Farrington Highway; (13) Northeasterly along said highway to point of beginning.

21ST SENATORIAL DISTRICT

This district is comprised of a portion of the 44th and all of the 45th Representative Districts and described as follows: Beginning at the intersection of shoreline and Kaena Military Reservation boundary and running (1) Northeasterly along said boundary to Kaena Point State Park boundary; (2) Southeasterly along said boundary to Waianae Ridge; (3) Southeasterly and southerly along said ridge to Palehua Road; (4) Southwesterly and southeasterly along said road to Palailai Gulch; (5) Southwesterly along said gulch to Farrington Highway; (6) Northwesterly along said highway to Koio Drive; (7) Southeasterly along said drive to Aliinui Drive; (8) Southwesterly along said drive to Military Railroad; (9) Southeasterly along said railroad to Ko Olina Golf Club boundary; (10) Southwesterly along said boundary to shoreline; (11) Southwesterly and northwesterly along said shoreline to point of beginning.

22ND SENATORIAL DISTRICT

This district is comprised of portions of the 38th, 39th and 46th Representative Districts and described as follows: Beginning at intersection of shoreline and Pahipahialua Gulch and running (1) Southeasterly along said gulch to Waialee Gulch; (2) Southeasterly along said gulch to Kaunala Ridge; (3) Southeasterly along said ridge to Koolau Ridge; (4) Northeasterly and southeasterly along said ridge to Schofield Barracks Military Reserve boundary; (5) Southwesterly along said boundary to Military Reservation boundary; (6) Southerly along said boundary to unnamed road; (7) Southwesterly, southeasterly and southwesterly along said unnamed road to Meheula Parkway extension; (8) Northwesterly along said extension to Meheula Parkway; (9) Westerly and southwesterly along said parkway to H-2 Freeway; (10) Northwesterly along said freeway to Schofield Barracks Military Reserve boundary; (11) Southwesterly along said boundary to Kamehameha Highway; (12) Southeasterly along said highway to Military Reservation boundary; (13) Southwesterly along said boundary to Waiahole Ditch; (14) Northwesterly and southwesterly along said ditch to Huliwai Gulch; (15) Southwesterly and northwesterly along said gulch to Waianae Ridge; (16) Northwesterly along said ridge to Kaena Point State Park boundary; (17) Northwesterly along said

boundary to Kaena Military Reservation boundary; (18) Southwesterly along said boundary to shoreline; (19) Northwesterly, easterly and northeasterly along said shoreline to point of beginning.

23RD SENATORIAL DISTRICT

This district is comprised of a portion of the 46th, all of the 47th and portions of the 48th and 49th Representative Districts and includes Coconut Island and described as follows: Beginning at the intersection of shoreline and Keaahala Stream and running (1) Southwesterly along said stream to Wailele Road; (2) Southerly and southeasterly along said road to Waikapoki Road; (3) Southwesterly along said road to Waikalua Road; (4) Westerly along said road to Kamehameha Highway; (5) Northwesterly along said highway to Keaahala Road; (6) Southwesterly along said road to Kahekili Highway; (7) Northwesterly along said highway to Windward Community College boundary; (8) Southwesterly, westerly and southwesterly along said boundary to State Hospital boundary; (9) Southwesterly along said boundary to H-3 Freeway; (10) Southeasterly along said freeway to Likelike Highway; (11) Southwesterly, southeasterly and southwesterly along said highway to Koolau Ridge; (12) Northwesterly along said ridge to Kaunala Ridge; (13) Northwesterly along said ridge to Waialeale Gulch; (14) Northwesterly along said gulch to Pahipahialua Gulch; (15) Northwesterly along said gulch to shoreline; (16) Northeasterly and southeasterly along shoreline to point of beginning.

24TH SENATORIAL DISTRICT

This district is comprised of portions of the 48th, 49th, 50th and 51st Representative Districts and described as follows: Beginning at the intersection of shoreline and North Kalaheo Avenue and running (1) Northwesterly along said avenue to Mokapu Boulevard; (2) Southwesterly along said boulevard to East boundary of Kawainui Marsh; (3) Southeasterly along said boundary to Kailua Road; (4) Northeasterly and southeasterly along said road to Wanaao Road; (5) Easterly, southeasterly and southwesterly along said road to Keolu Drive; (6) Southeasterly and southwesterly along said drive to Kanapuu Drive; (7) Southeasterly and southwesterly along said drive to Olomana Stream; (8) Southwesterly along said stream to Aniani Nui Ridge; (9) Southerly and southwesterly along said ridge to Koolau Ridge; (10) Westerly and northwesterly along said ridge to Likelike Highway; (11) Northeasterly, northwesterly and northeasterly along said highway to H-3 Freeway; (12) Northwesterly along said freeway to State Hospital boundary; (13) Northeasterly along said boundary to Windward Community College boundary; (14) Northeasterly, easterly and northeasterly along said boundary to Kahekili Highway; (15) Southeasterly along said highway to Keaahala Road; (16) Northeasterly along said road to Kamehameha Highway; (17) Southeasterly along said highway to Waikalua Road; (18) Easterly along said road to Waikapoki Road; (19) Northeasterly along said road to Wailele Road; (20) Northwesterly and northerly along said road to Keaahala Stream; (21) Northeasterly along said stream to shoreline; (22) Northeasterly, northwesterly, northeasterly, easterly, northeasterly, and southwesterly along said shoreline to point of beginning.

25TH SENATORIAL DISTRICT

This district is comprised of portions of the 17th, 18th, 50th and 51st Representative Districts and includes the island of Kaula, and the Northwestern Hawaiian Islands (Nihoa, Necker, 12 islands at French Frigate Shoals, 2 islands at Gardner Pinnacles, Laysan, Lisianski, 8 islands at Pearl and Hermes Atoll, 3 islands at Kure Atoll) and described as follows: Beginning at the intersection of North Kalaheo Avenue and shoreline and running (1) Northeasterly, southeasterly, southerly, southwesterly and northwesterly along said shoreline to Kalaniana'ole Highway; (2) Southeasterly along said highway to Hawaii Kai Drive; (3) Northeasterly, easterly, southeasterly and northeasterly along said drive to Wailua Street; (4) Northeasterly and southeasterly along said street to Lunalilo Home Road; (5) Northeasterly along said road to Hawaii Kai Drive; (6) Southeasterly and northeasterly along said drive to Kealahou Street; (7) Northerly along said street to Mokuhano Street; (8) Easterly and southeasterly along said street to Hawaii Kai Championship Golf Course boundary; (9) Easterly, northeasterly and southeasterly along said boundary to Kalaniana'ole Highway; (10) Easterly, northeasterly and northerly along said highway to Koolau Ridge; (11) Northwesterly along said ridge to Aniani Nui Ridge; (12) Northeasterly along said ridge to Olomana Stream; (13) Northeasterly along said stream to Kanapuu Drive; (14) Northeasterly and northwesterly along said drive to Keolu Drive; (15) Northeasterly and northwesterly along said drive to Wanaao Road; (16) Northeasterly and northwesterly along said road to Kailua Road; (17) Northwesterly and southwesterly along said road to east boundary of Kawainui Marsh; (18) Northwesterly along said boundary to Mokapu Boulevard; (19) Northeasterly along said boulevard to North Kalaheo Avenue; (20) Southeasterly along said avenue to point of beginning.

II. 2001 CONGRESSIONAL REAPPORTIONMENT PLAN

The single member congressional districts are described as follows:

CONGRESSIONAL DISTRICTS

1ST CONGRESSIONAL DISTRICT

That portion of the island of Oahu for convenience herein referred to as Honolulu, Aiea, Pearl City, Mililani, Ewa, Ewa Beach, portion of Waipahu including Laulaunui Island, Sand Island, Mokauea Island, Kahakaaulana Island, Mokuoeo Island and Ford Island, more particularly described as follows: Beginning at the intersection of Koolau Ridge and shoreline at Makapuu Point and running (1) Southwesterly, northerly, westerly, southwesterly, northwesterly, southwesterly, westerly, northeasterly, southeasterly and southwesterly along shoreline to southeast boundary of Barbers Point NAS; (2) Northerly along said boundary to Essex Road; (3) Northerly, northeasterly and northwesterly along said road to Sewage plant boundary; (4) Northwesterly and northerly along said boundary to Roosevelt Avenue; (5) Westerly along said avenue to Roosevelt Avenue extension; (6) Westerly along said extension to railroad track; (7) Northwesterly along said track to unnamed road extension; (8) Northwesterly along said unnamed road extension to unnamed road; (9) Northwesterly along said unnamed road to Kaloi Gulch; (10) Northwesterly and northeasterly along said gulch to Farrington Highway; (11)

Northeasterly and easterly along said highway to Fort Weaver Road; (12) Northwesterly along said road to H-1 Freeway; (13) Northeasterly along said freeway to Naval Access Road; (14) Northerly and northeasterly along said road to Naval Reservation boundary; (15) Northeasterly, northwesterly and northeasterly along said boundary to Military Reservation boundary; (16) Northwesterly and northeasterly along said boundary to Kamehameha Highway; (17) Northwesterly along said highway to Schofield Barracks Military Reserve boundary; (18) Northeasterly along said boundary to H-2 Freeway; (19) Southeasterly along said freeway to Waikalani Drive; (20) Northeasterly along said drive to Wikao Street; (21) Easterly along said street to Waikakalaua Stream; (22) Northeasterly and southeasterly along said stream to Military Reservation boundary; (23) Northerly along said boundary to Schofield Barracks Military Reserve boundary; (24) Northeasterly along said boundary to Koolau Ridge; (25) Generally southeasterly along said ridge to point of beginning.

2ND CONGRESSIONAL DISTRICT

Includes the islands of Hawaii, Maui, Molokai, Lanai, Kahoolawe, Kauai, Niihau, Kaula, Northwestern Hawaiian Islands from Kure Atoll to Nihoa (excluding the Midway Islands), all other islands of the State of Hawaii not otherwise specifically enumerated, and the following portion of the island of Oahu: Beginning at the intersection of shoreline and Koolau Ridge and running (1) Generally northeasterly along said ridge to Schofield Barracks Military Reserve boundary; (2) Southwesterly along said boundary to Military Reservation boundary; (3) Southerly along said boundary to Waikakalaua Stream; (4) Northwesterly and southwesterly along said stream to Wikao Street; (5) Westerly along said street to Waikalani Drive; (6) Southwesterly along said drive to H-2 Freeway; (7) Northwesterly along said freeway to Schofield Barracks Military Reserve boundary; (8) Southwesterly along said boundary to Kamehameha Highway; (9) Southeasterly along said highway to Military Reservation boundary; (10) Southwesterly and southeasterly along said boundary to Naval Reservation boundary; (11) Southwesterly, southeasterly and southwesterly along said boundary to Naval Access Road; (12) Southwesterly and southerly along said road to H-1 Freeway; (13) Southwesterly along said freeway to Fort Weaver Road; (14) Southeasterly along said road to Farrington Highway; (15) Westerly and southwesterly along said highway to Kaloi Gulch; (16) Southwesterly and southeasterly along said gulch to unnamed road; (17) Southeasterly along said unnamed road to unnamed road extension; (18) Easterly along said extension to railroad track; (19) Easterly along said track to Roosevelt Avenue extension; (20) Southerly and southeasterly along said extension to Roosevelt Avenue; (21) Easterly along said avenue to Sewage plant boundary; (22) Southerly and southeasterly along said boundary to Essex Road; (23) Southeasterly, southwesterly and southerly along said road to southeast boundary of Barbers Point NAS; (24) Southerly along said boundary to shoreline; (25) Southwesterly, northwesterly, easterly, northeasterly, southeasterly, northeasterly, northwesterly, easterly and southeasterly along said shoreline to point of beginning.