



MARK MUGIISHI, M.D.
CHAIR

STATE OF HAWAII REAPPORTIONMENT COMMISSION

NOTICE OF REAPPORTIONMENT COMMISSION MEETING

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

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

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

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

Meeting ID: 916 8197 2985

AMENDED AGENDA

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

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

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

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

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

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

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

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

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

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

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

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

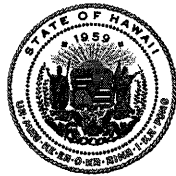
X. Adjournment

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

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

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

**IV. APPROVAL OF MINUTES
FOR THE MEETING OF
AUGUST 26, 2021**



MARK MUGIISHI, M.D.
CHAIR

**STATE OF HAWAII
2021 REAPPORTIONMENT COMMISSION**

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

**AUGUST 26, 2021
11:00 AM**

Pursuant to the Governor's Emergency Proclamation Related to the COVID-19 Response, dated August 5, 2021, the Reapportionment Commission will be meeting remotely using interactive conference technology. This meeting was recorded and has been posted on the Office of Elections website at elections.hawaii.gov.

Commissioners in Attendance:

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

Staff in Attendance:

Royce Jones
Scott Nago
David Rosenbrock
Lori Tanigawa

Testifiers in Attendance:

Laura Acasio
Bart Dame
Becky Gardner
Kainoa Kaumeheiwa-Rego
Brett Kulbis
Shannon Matson
Maki Morinoue

PROCEEDINGS

I. Call to Order

Chair Mugiishi called the meeting to order at 11:00 a.m.

II. Roll Call and Determination of a Quorum

Reapportionment Commission Secretary, Scott Nago, conducted a roll call. All Commissioners were present with the exceptions of Commissioner Chipchase and Commissioner Nishimura. The Commission had a quorum.

III. Public Testimony

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

Commissioner Nishimura was acknowledged as present by Secretary Nago, and Commissioner Chipchase joined the meeting at 11:03 a.m.

Brett Kulbis, Chair of the Honolulu County Republican Party stated he had nothing to add to his submitted written testimony.

Bart Dame testified for clarification on the differences in numbers of non-permanent residents representing military and students between the 2011 census and the current census.

Chair Mugiishi stated that he believed a later agenda item would address the data regarding non-permanent residents. He also said that decisions would not be made by the Commission until they have heard the relevant testimony from the public to take into account.

Commissioner Chun exited the meeting at 11:10 am.

Kainoa Kaumeheiwa-Rego of Common Cause Hawaii testified for the inclusion of incarcerated residents at their home address as of

April 1, 2020 to be included in drawing redistricting lines as well as release of schedules to be publicly available as soon as possible.

Chair Mugiishi restated his commitment to transparency and explained that an online platform would be available for the public to submit plans for review and that the Commission would be considering public input on the plans.

Shannon Matson testified for inaccurate census counts for the Big Island. Matson stated that there are individuals who believe they were not accurately counted in the census, as the numbers should be higher. Matson also testified for the Big Island district to not be split when it comes to redistricting.

Senator Laura Acasio testified for concerns with transparency and accuracy of the non-permanent residency for military when it comes to extractions.

Chair Mugiishi restated that he believed the extraction of non-permanent residents would be addressed in the presentation by the Reapportionment Project Office.

Maki Morinoue testified with written testimony for education upon redistricting and census information.

Becky Gardner of Policy Matters LLC testified for the importance of open records and meetings under the Sunshine Law as well as integrity of the redistricting lines to have fair representation.

Chair Mugiishi stated that the Commission is familiar with the previous correspondence and Supreme Court decisions, and that they would be following the Sunshine Law and previous Supreme Court decisions.

IV. Approval of Minutes for the Meeting of July 20, 2021

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

V. Election of Vice Chair(s) for the Reapportionment Commission

Chair Mugiishi stated that the Commission rules allow the election of up to two vice chairs to preside over the meeting in the event that the chair is not present. He opened the floor to nominations and said that

he would ask the Commissioner nominated if he or she consents to the nomination.

Commissioner Kennedy questioned the need to have two vice chairs referring to the small size of the Commission. Chair Mugiishi stated that the rules allow up to two chairs for coverage. He further explained that if he is not at a meeting, there would be a rotation among the vice chairs so that only one person would be chairing a Commission meeting.

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

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

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

VI. Presentation by the Reapportionment Staff on the following topics

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

Chair Mugiishi introduced Project Manager, David Rosenbrock, to present to the Commission. The presentation was made by GIS Project Support, Royce Jones, covering the following topics:

P.L. 94-171 U.S. Census Population Data

This section of the presentation provided an overview of the receipt and format of data received from the U.S. Census Bureau.

Hawaii Permanent Resident Population Base – Criteria

This section of the presentation explained the criteria used to establish the permanent resident population base by removing the non-permanent resident count from the U.S. Census data.

Commissioner Rathbun asked to confirm the number of military non-permanent residents is based on all members of the household claiming another state of residency. Project Manager Rosenbrock stated that the number is provided by the Defense Manpower Data Center.

Commissioner Nonaka asked if the criteria are different than the two-step process used 10 years ago. Project Manager Rosenbrock stated it is the same.

Commissioner Kennedy asked for clarification that for a military member claiming another state, all members of the household would also be tied to the other state under the military sponsors. Project Manager Rosenbrock agreed with the example she provided.

Commissioner Rathbun asked how that would impact voter registration to which Project Manager Rosenbrock explained that is a separate process. Commissioner Kennedy further explained that the rules on how the data is collected impacts how the Commission can use and apply the data for reapportionment. Commissioner Nonaka expressed that this is an imperfect process and explained that there is an argument to include the military in the count of permanent residents as they are members of the community and use the infrastructure. He further expressed, as a member of the 2011 Reapportionment Commission, they were told that interpretation was wrong. Chair Mugiishi stated that if these examples were applied to the count of military non-permanent residents, the number would further decrease from the count provided to the 2021 Reapportionment Commission.

Hawaii Permanent Resident Population Base – Non-Permanent Residents, Military

This section explained how non-permanent residents associated with the military were extracted from the U.S. Census population numbers from Hawaii to determine the permanent resident population for state reapportionment purposes. Specifically, the presentation noted that the military sponsor and their dependents were extracted if the sponsor declared a state other than Hawaii as their state of legal residence (Home State) to the military (i.e., legal residence in another state is inconsistent with being a permanent resident of Hawaii).

An image of the header of the spreadsheet provided by the military entitled "Active Duty Sponsors with Duty State of Hawaii but State of Legal Residence not Hawaii by Residence Mailing Zip and Mailing Zip Extension" was presented to reflect the source document that the military provided for extraction purposes. The document listed its source as the Active Duty Master File and an extract of the Defense Enrollment Eligibility Reporting System (DEERS) database and noted that it was as of April 1, 2020, the date of the decennial census.

Commissioner Chun rejoined the meeting at 12:02 pm.

Commissioner Kennedy asked if anyone asked the military why there was a 30% decrease from 2010 to 2020. Project Manager Rosenbrock responded no and provided context for the state's interaction with the military regarding the process. He noted that access to this type of data occurs by initiating contact with our congressional delegation to get the military to provide the information. Additionally, he noted that the military had general concerns over letting people know how many military members there are and where.

Commissioner Kennedy, noting the importance of transparency, indicated she would like to ask the military why the numbers are so much lower. Chair Mugiishi said that if Commissioner Kennedy was able to collect any insight as to why the numbers might be different it would be a topic for the next Commission meeting.

Hawaii Permanent Resident Population Base – Non-Permanent Residents, University Students

This section of the presentation explained how the data was received for university students using addresses provided by the schools and extracting the count based on the 9-digit zip code.

Hawaii Permanent Resident Population Base – Method of Extraction of Non-Permanent Residents

This section of the presentation explained how the non-permanent residents were extracted from the U.S. Census Bureau data by census block.

Chair Mugiishi asked about situations where there are more non-permanent residents than residents in a census block, if removing residents from adjoining census blocks is the standard solution. Project Manager Rosenbrock explained that Hawaii is one of only a few places that does extraction and that the data has improved from Reapportionment Commission to Reapportionment Commission to use the 9-digit zip code.

Apportionment of Basic Island Units – Method of Equal Proportions

This section of the presentation explained how the determined permanent resident population base was used to apportion the state senate and state representative districts.

Ideal (Target Population) – Total Deviation, Canoe District, and Single- or Multi-Member Districts

This section of the presentation described how the total deviation was determined. This section of the presentation also provided an overview the role of the Advisory Councils.

Commissioner Rathbun exited the meeting at 12:32 pm.

Hawaii Redistricting Online

This section of the presentation provided an overview of the online redistricting application that the public and Reapportionment Commission use to propose district lines and review proposed plans.

Proposed Schedule

This section of the presentation explained the Reapportionment Project Office's proposed schedule for submitting a draft plan for public hearing and final plan.

Chair Mugiishi thanked the Reapportionment Project Office for their presentation. He asked if Commissioners had any questions and suggested that if there were any questions for the Commission's

attorney, they would consider moving into Executive Session following agenda item VII.

VII. Discussion on the Role of the Reapportionment Advisory Councils

Chair Mugiishi stated that an advisory council from each basic island unit is established to serve in an advisory capacity to the Commission for matters affecting that island unit. He asked Project Manager, David Rosenbrock, to explain how the Advisory Councils worked with previous Commissions in 2011 and 2001.

Project Manager Rosenbrock stated these councils have served as a helpful tool in terms of reapportionment in their basic island unit. He stated that in 2001, the Commission formed a public information committee to coordinate with the Advisory Councils, and in 2011 the Reapportionment Project Office worked directly with the Advisory Council. Chair Mugiishi summarized the statements made by Project Manager Rosenbrock explaining that the recommendation is to set up a permitted interaction group for public information as a vehicle to interact with the advisory councils, and then bring that back to the full Commission.

Commissioner Nonaka suggested that the Commissioners from the neighbor islands and one Commissioner from Oahu serve as the point of contact for the Advisory Council to collect input and run ideas by. As such, he stated that he would work with the Hawaii Advisory Council, Commissioner Chun would work with the Maui Advisory Council, and Commissioner Nishimura would work with the Kauai Advisory Council for organization and that they would be the most familiar with their areas.

Chair Mugiishi asked if the Commissioners had any thoughts on Commissioner Nonaka's suggestion. Commissioner Kennedy asked how to volunteer for the role. Chair Mugiishi said that the only issue would be to identify a Commissioner to work with the Oahu Advisory Council as the Neighbor Island Commissioner would work with their respective Advisory Councils. He continued that for Oahu, the Commission would ask for volunteers and the Commission could elect the Commissioner to work with the Oahu Advisory Council.

Commissioner Nekota asked if the Commissioner working with the Oahu Advisory Council should be on the Technical Group. Commissioner Chipchase stated that Commissioner Nonaka is on the Technical Group. Commissioner Kennedy suggested that it did not

need to be someone on the Technical Group because the Rules Group is not meeting. Commissioner Nekota responded by explaining that her understanding is that the Technical Group would be working closely with the Advisory Council and deferred to Commissioner Nonaka to describe how it worked on previous Commissions.

Commissioner Nonaka stated that the discussions were not strictly structured, but they and Advisory Councils were in regular communication. Commissioner Nekota clarified that he meant the Technical Group, which Commissioner Nonaka agreed with.

Chair Mugiishi stated that it makes sense for the Technical Group, who will use the input, to be on the public information group. He also suggested that the Technical Group would be inundated with work in drawing the lines and that maybe others may have more time to allot. He stated that it is collectively up to the Commission.

Commissioner Kennedy stated that she would like to volunteer for the public information group to participate and be involved. She continued that she would defer to those who have been here longer. Commissioner Nekota stated that a Commissioner from the Technical Group would have the necessary background and information to work with the Advisory Council and volunteered to be the point of contact for the Oahu Advisory Council. Commissioner Ono agreed with Commissioner Nekota as they have the background knowledge, and that Commissioner Nekota should work with the Oahu Advisory Council.

Chair Mugiishi asked for any further feedback. Commissioner Nishimura asked to work with the Kauai Advisory Council and provide their thoughts to the Technical Group. Commissioner Nekota agreed with Commissioner Nishimura as he previously served on the Kauai Advisory Council. Commissioner Chun explained that it would be suitable for he and Commissioner Nishimura, as Commissioners from the neighbor islands, to interact with their respective Advisory Councils even though they are not on the Technical Group.

Commissioner Kennedy clarified that Commissioner Chun and Commissioner Nishimura are not on the Technical Group, to which Commissioner Chun agreed. Commissioner Kennedy expressed that supported her position that Commissioners on the Technical Committee would be engulfed in it, while Commissioners that are not have the opportunity to interact with the people and the Technical Group.

Commissioner Nekota restated her point was that Commissioner Nishimura was previously named to the Kauai Advisory Council and would be a good reference and resources. Commissioner Kennedy stated that she was in support of Commissioner Nishimura and Commissioner Chun working with the Advisory Councils.

Chair Mugiishi restated that the suggestion was for the Commissioners from the neighbor islands would represent the Commission for their respective Advisory Councils. He also clarified that the Commission could not take action to form a public information group at the current meeting and at the next meeting the Commission would have to vote to form the permitted interaction group and then name members. He explained that if there was a dispute over who would work with the Oahu Advisory Council, the Commission would vote. Then he asked if there was any further discussion.

Commissioner Kennedy asked how Commissioner could communicate their thoughts and position on this manner to lobby to serve on a public information group. Chair Mugiishi stated that any discussion, due to Sunshine Law, would have to occur now or at the next meeting before voting.

After the discussion ended, Chair Mugiishi suggested that there may be questions or a need to consult with the Commission's attorney. He asked for a motion to convene in Executive Session pursuant to HRS 92-5(a)(4) to consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities regarding agenda items VI and VII and for the approval of Executive Session minutes.

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

The Commission went into executive session at 1:20 p.m. and returned to regular session at 1:40 p.m.

Chair Mugiishi stated that no decisions were made during executive session. He stated that the Commission would take the information provided at this meeting under advisement and having further discussion at the next meeting to likely take action. Additionally, Chair Mugiishi summarized the topics of the meetings as extraction of the military and university students, ways to minimize the deviation and

strategies to comply with as little deviation as possible – including the use of “canoe districts.” He asked for the public’s input on these topics by providing written testimony. Chair Mugiishi also announced that for future meetings, the Commission would be enforcing a 3-minute rule for oral testimony.

VIII. Adjournment

Commissioner Nonaka made a motion to adjourn the meeting, which was seconded by Commissioner Kennedy, and approved by all Commissioners present noting the excused absence of Commissioner Rathbun. The meeting was adjourned at 1:48 p.m.

Respectfully submitted,



SCOTT T. NAGO
Secretary to the Reapportionment Commission

**VII. DISCUSSION AND ACTION
REGARDING THE STANDARDS
AND CRITERIA GOVERNING
THE REAPPORTIONMENT AND
REDISTRICTING PROCESS**

Proposed - 2021 REAPPORTIONMENT COMMISSION

STANDARDS AND CRITERIA U.S. CONGRESSIONAL DISTRICTS

Standards and criteria that shall be followed:

The population base used shall be the total population of the State of Hawaii as determined by the last U.S. Census - 1,455,271 persons.

The population in the two congressional districts shall be as nearly equal as possible. The difference in the populations in the two districts must be less than 1%.¹ The congressional districts shall not be drawn so as to unduly favor a person or political party.

The congressional districts shall be "contiguous". In other words, all parts of each district should share a common border and you should be able to reach any part of that district without crossing the district's boundary. Put another way, no district should be divided into two or more discrete pieces.

The congressional districts shall not be drawn so as to: (a) deny or abridge a citizen's right to vote based on race, color or membership in a language minority group; or (b) unlawfully discriminate against voters on the basis of race, color or membership in a language minority group.

Standards and criteria that are to be followed if practicable:

The congressional districts should be geographically "compact".

The congressional district boundaries should follow permanent and easily recognized features such as streets, streams, and clear geographic features.

The congressional district boundaries should coincide with census tract boundaries.

The state legislative districts should be wholly included within the congressional districts. In other words, all proposed state senate and representative districts should wholly fit within one of the two proposed congressional districts. They should not cross the

¹ Congressional redistricting plans with maximum deviations in population of up to 1% have been approved by federal courts, "provided the state policies underlying each individual deviation are both legitimate and sufficiently related to the deviation." See Hebert, et al., *The Realists' Guide to Redistricting*, Second Edition, ABA Section of Administrative Law and Administrative Practice, at page 7 (2010), citing *Vera v. Bush*, 933 F. Supp. 1341, 1348 & n. 9 (S.D. Tex., 1996) (three-judge court) and *Vera v. Bush*, 980 F. Supp. 251, 253 (S.D. Tex., 1997) (three-judge court).

congressional district borders and sit partly within both congressional districts.

Submergence of an area in a larger district wherein substantially different socio-economic interests predominate should be avoided. For example, if there are two groups of people with differing socio-economic interests residing in areas close to each other, if practicable, the congressional districts should not be drawn so that the voting power of one of the groups is submerged or outweighed by the voting power of the other group.

All proposed plans submitted to the Commission must contain the following technical information in the following format in order to be considered:

- Plans shall be submitted as a table of census block IDs, block population, and assigned district number.
- Permissible district numbers for Federal Congressional plans are 1 and 2.
- The Commission will also accept general comments and recommendations for redistricting and requests to consolidate, split or maintain specific communities of interest. Comments and recommendations should be submitted in writing.

Other standards and criteria:

- Neighborhoods will generally be determined based on existing elementary school district boundaries and/or neighborhood board district boundaries.
- While not mandatory, it is beneficial in the development of plans if the existing boundaries can be used as a starting which can be adjusted to reflect current data. This will facilitate tracking where changes have been made.

Proposed - STATE LEGISLATIVE DISTRICTS

Standards and criteria that shall be followed:

The population base used shall be the "permanent resident" population of the State of Hawaii. We plan to calculate the permanent resident population by taking the total population of the State of Hawaii as shown in the last U.S. census and subtracting the following : non-resident students and non-resident military sponsors and their dependents, as provided to us by local universities (i.e. University of Hawaii System, Hawaii Pacific University, Chaminade University, and Brigham Young University – Hawaii) and the military (i.e. Defense Manpower Data Center – Department of Defense). This is consistent with Article IV, Section 6, HRS § 25-2, the prior conduct of Reapportionment Commissions, and the Hawaii State Supreme Court's decision in *Solomon v. Abercrombie*, 126 Hawaii 283, 270 P.3d 1013 (2012) that discuss the

determination of the "permanent resident" population base.

The permanent resident population in each of the 25 state senate districts shall be as nearly equal as possible. Likewise, the permanent resident population in each of the 51 house of representative districts shall be as nearly equal as possible. The population difference between the largest and smallest of the districts of each house (the "maximum deviation") may be impacted by whether the integrity of the basic island units called for in Article IV, Section 4 concerning apportionment among the four basic island units is maintained or if the Commission decides to use canoe-districts that involve more than one basic island unit.²

Article IV, Section 4 is to be complied with, as opposed to the use of canoe-districts to lower the deviation between districts, the allocation of members to each house of the state legislature among the four basic island units is to occur through "the method of equal proportions; except that no basic island unit shall receive less than one member in each house." The method of equal proportions, is the same method of equal proportions, sometimes referred to as the Huntington-Hill method, that was used to apportion the U.S. House of Representatives. 2 USC § 2a. The application of the method of equal proportions to determine how many seats are allocated to a jurisdiction is reflected on the U.S. Census Bureau's website and will likewise be applied to allocate seats among the basic island units. <https://www.census.gov/topics/public-sector/congressional-apportionment/about/computing.html>.

As part of the documentation of the plans, it is advisable to prepare tables that reflect not only deviations between all districts but also deviations between districts within a basic

² A thorough discussion of the impact of maintaining basic island units on the deviation between the largest and smallest district in the state can be found in *Kostick v. Nago*, 960 F.Supp.2d 1074 (2013), *aff'd*, *Kostick v. Nago*, 134 S.Ct. 1001, 187 L.Ed.2d 849 (2014). Suffice it to say the maintaining of basic island units will result in significant deviations in excess of 10%. In 2011, the deviations between the largest and smallest districts were 44.22% in the Senate and 21.57% in the House. As noted in *Kostick*, "[b]ecause the total deviations exceed 10 percent, the 'entire plan is thus suspect and deviations substantially adding to the maximum deviation must be justified with expressed reasons." *Id.* at 109 (internal citations omitted). The District Court as affirmed by the U.S. Supreme Court concluded, in part, as follows:

We conclude that, given Hawaii's unique history, culture, and geography, the deviations of 44.22 percent in the Senate and 21.57 percent in the House do not exceed constitutional limits. We emphasize that our holding is specific to the facts before us. We do not hold that Hawaii's documented rationales—strong as they are—could justify any deviation, no matter how large. Nor do we suggest that Hawaii's state constitutional mandate trumps the Equal Protection Clause. This court has intervened before in Hawaii's legislative reapportionment, to little benefit and much dissatisfaction. Perhaps such intervention was warranted in 1982 on the record before the court in *Travis*. But on the extensive record before us, which evidences Hawaii's thoughtful and deliberative attempt to adequately represent its citizens in the face of unique challenges, we come to a different conclusion. Crediting the strength of the Commission's rationales and the uncontradicted evidentiary support in the record, the 2012 Reapportionment Plan's deviations pass constitutional scrutiny. The Commission created a reapportionment plan that was implemented in a manner consistent with principles of equal representation. The 2012 Reapportionment Plan complies with *Reynolds's* ultimate aim—to achieve and assure "fair and effective representation for all citizens." 377 U.S. at 565–66, 84 S.Ct. 1362.

Id. at 111.

island unit. The Commission can balance representation in both houses as occurred in *Kostick*, a table reflecting the "disparities among *all* legislators (the 76 House and Senate seats combined) by basic island unit" may facilitate a discussion of such a position. *Id.* at 1102.

No state legislative district shall be drawn so as to unduly favor a person or political party.

Except in the case of districts encompassing more than one island, each state legislative district shall be "contiguous". In other words, all parts of each proposed district should share a common border and you should be able to reach any part of that district without crossing the district's boundary. Put another way, no district should be divided into two or more discrete pieces.

All state legislative districts should be single-member districts. Alternatively, not more than four members shall be elected from any state legislative district.

In drawing the state legislative districts, no census blocks shall be split. In other words, district lines shall not be drawn so that a census block lies partly in one district and partly in another district.

The state legislative districts shall not be drawn so as to: (a) deny or abridge a citizen's right to vote based on race, color or membership in a language minority group; or (b) unlawfully discriminate against voters on the basis of race, color or membership in a language minority group.

Standards and criteria that are to be followed if practicable:

No district shall extend beyond the boundaries of any basic island unit.*

The state legislative districts should be geographically "compact".

The state legislative district boundaries should follow permanent and easily recognized features such as streets, streams, and clear geographic features.

The state legislative district boundaries should coincide with census tract boundaries.

The state legislative districts should be wholly included within the congressional districts. In other words, all proposed state senate and representative districts should wholly fit within one of the two proposed congressional districts. They should not cross the congressional district borders and lie partly within both congressional districts.

The state house of representative districts should be wholly included within the state senate districts. In other words, a representative district should not lie partly in one senate district and partly within another senate district.

Submergence of an area in a larger district wherein substantially different socio-economic interests predominate should be avoided. For example, if there are two groups of people with differing socio-economic interests residing in areas close to each other, if practicable, the state legislative districts should not be drawn so that the voting power of one of the groups is submerged or outweighed by the voting power of the other group.

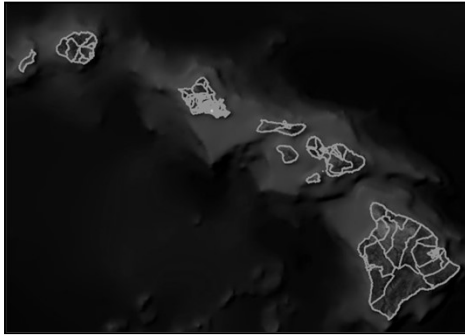
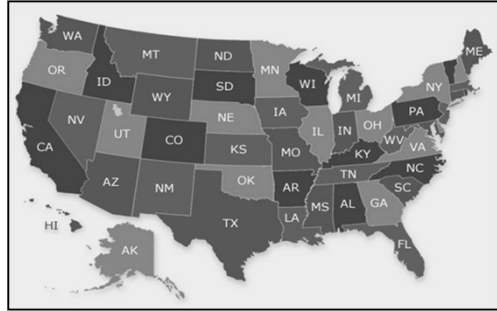
All proposed plans submitted to the Commission must contain the following technical information in the following format in order to be considered:

- Plans shall be submitted as a table of census block IDs, block population, and assigned district number.
- Permissible district numbers for State Senate plans are 1 thru 25. Permissible district numbers for State House plans are 1 thru 51.
- The Commission will also accept general comments and recommendations for redistricting and requests to consolidate, split or maintain specific communities of interest. Comments and recommendations should be submitted in writing.

Other standards and criteria:

- Neighborhoods shall be determined based on existing elementary school district boundaries and/or neighborhood board district boundaries.
- While not mandatory, it is beneficial in the development of plans if the existing boundaries can be used as a starting which can be adjusted to reflect current data. This will facilitate tracking where changes have been made.

**IX. PRESENTATION OF
PROPOSED CONGRESSIONAL
REAPPORTIONMENT PLANS
BY THE TECHNICAL
COMMITTEE PERMITTED
INTERACTION GROUP**



Reapportionment and Redistricting in Hawaii

Proposed Congressional Plans

-

Technical Permitted Interaction Group

Hawaii Reapportionment Commission
September 9, 2021

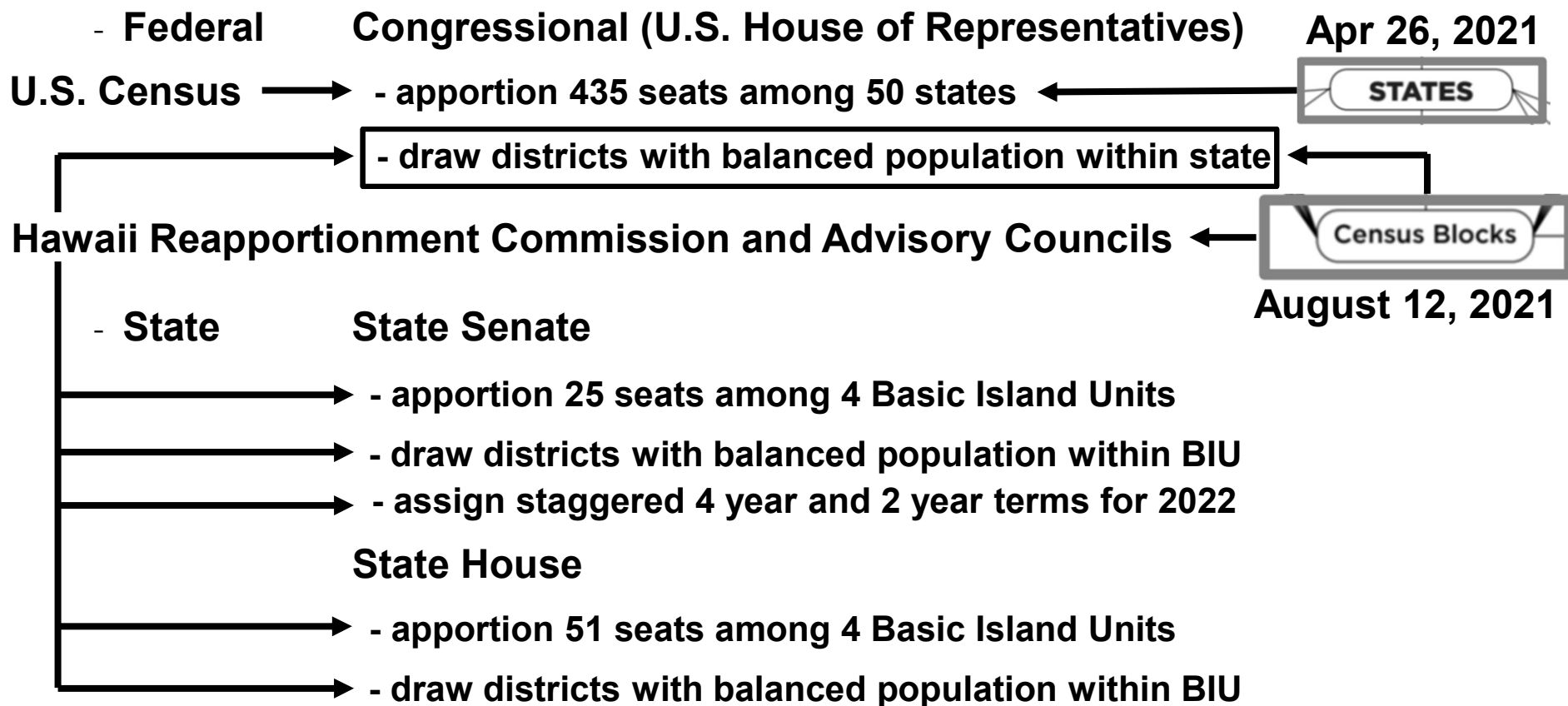


Proposed Congressional Plans



2020 Census Block Population

- Reapportionment
- Redistricting



Proposed Congressional Plans

United States®
**Census
2020**

Federal Resident Population Base



PERSONS	State
=====	
Fed population	1,455,271



**Used to redistrict Hawaii's two Congressional seats
in the U.S. House of Representatives**

Proposed Congressional Plans



Federal Resident Population Base

**Resident Population
Congressional - U.S. House of Representatives**

Redistricting

- draw districts with balanced population within state using block-level resident population (P.L. 94-171)

Checklist:

- process P.L. 94-171 population data, tie to blocks
- load into Hawaii Redistricting Online
- Commission and Public can begin redistricting



September 2, 2021

Proposed Congressional Plans

elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/

REAPPORTIONMENT COMMISSION

Reapportionment ensures each political district has been created equally using census data. Reapportionment is conducted every ten (10) years following the census. The next reapportionment will be conducted in 2021. The Commission will review the distribution of the population and re-draw the political districts to ensure that citizens are equally represented.

Meetings

- + Meeting Notices
- + Meetings

Reapportionment Commission

- Hawaii Redistricting Online
 - [Hawaii Redistricting Online Application](#)
 - [Video Tutorial](#) - How to use the online redistricting application

Hawaii Reapportionment Commission - Redistricting Online

Hawaii Redistricting Online assists the Hawaii Reapportionment Commission and the general public to draw Hawaii Redistricting Plans following the U.S. Census. The 2020 Census Data was received on August 12, 2021. Data for creating Hawaii Congressional Redistricting Plans is available now. Data for creating State Senate and State House Redistricting Plans is expected to be available on September 10, 2021. Data for County of Hawaii Council Redistricting Plans is available now.

[Learn More About Redistricting Online \(opens Esri Help\)](#)

[Sign in to Hawaii Redistricting Online](#)

Aloha! Welcome to Hawaii Redistricting Online

[Create a new account](#)
[Forgot Your Password?](#)

Proposed Congressional Plans

Redistricting Guidelines

Courts have upheld:

- Total deviation less than 1% (Federal)
- Total deviation less than 10% within Basic Island Unit (State)



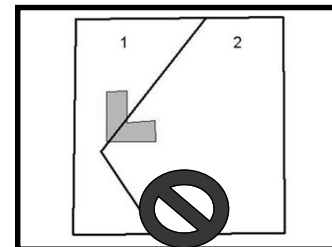
- Compact
 - geometrically
 - geographically



- Contiguous
 - no disconnects
 - no "one point" connections



- No submergence
 - preserve socio-economic communities



“where practicable”

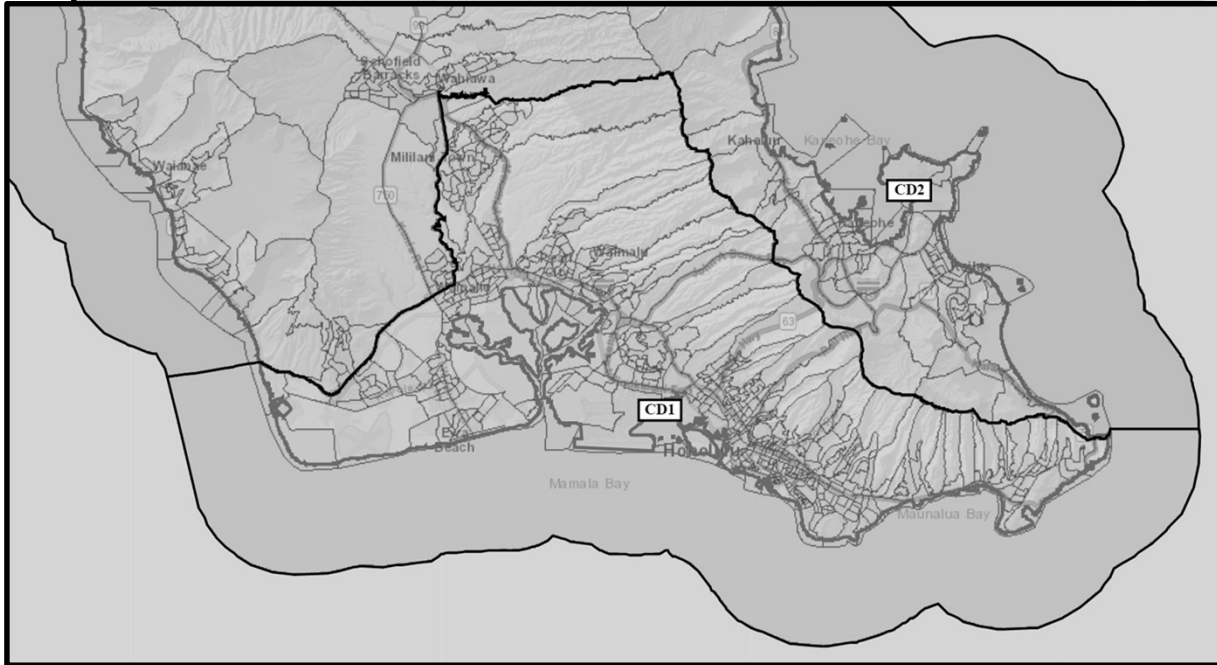
Proposed Congressional Plans

Existing Congressional Districts (CD1/CD2)

Choose Template Plan

Choose a template plan:

Plan Name	Description
template - Congressional (blank)	State of Hawaii - 2 seats (Districts 1 and 2) in the U.S. House of Representatives - no initial block assignments
template - Congressional (current)	State of Hawaii - 2 seats (Districts 1 and 2) in the U.S. House of Representatives - initial block assignments are current (2011-2020) Congressional districts

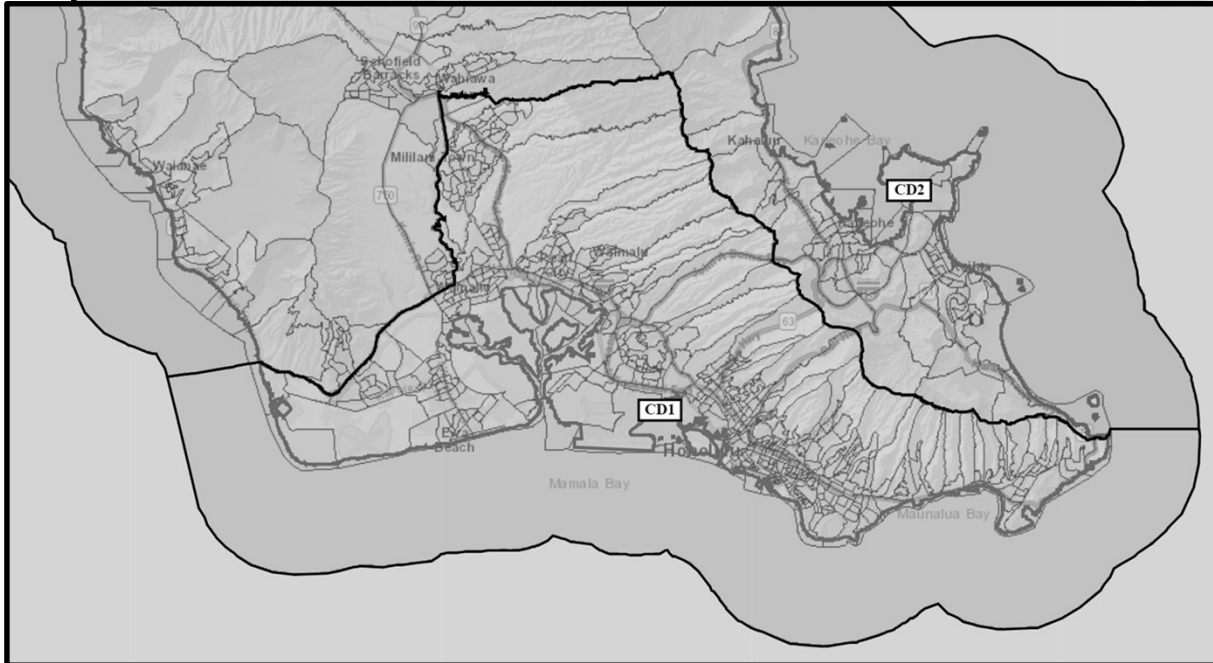
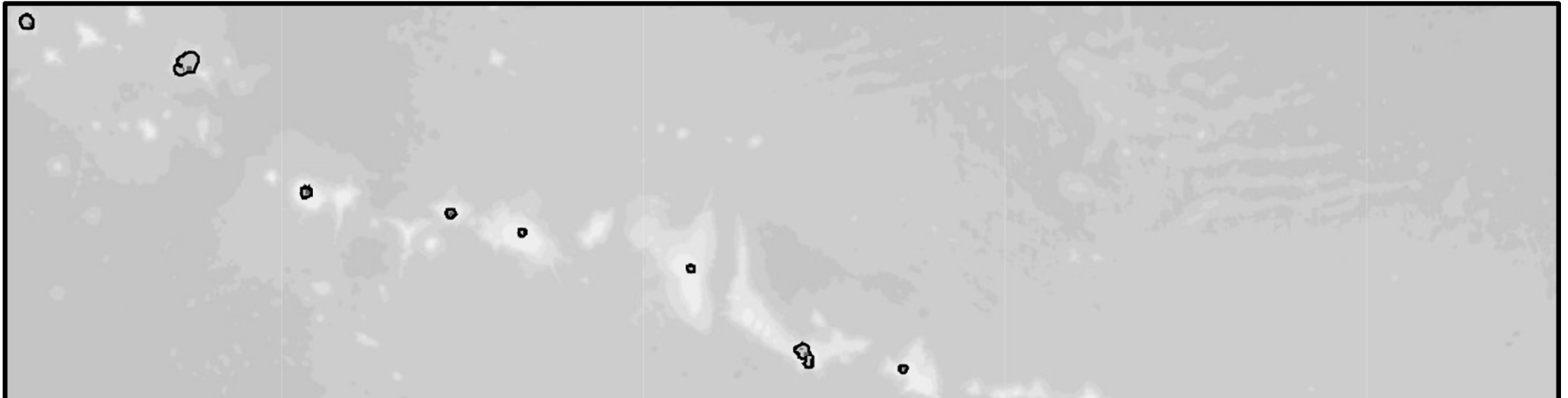


PERSONS	State

Fed population	1,455,271

Proposed Congressional Plans

Existing Congressional Districts (CD1/CD2)

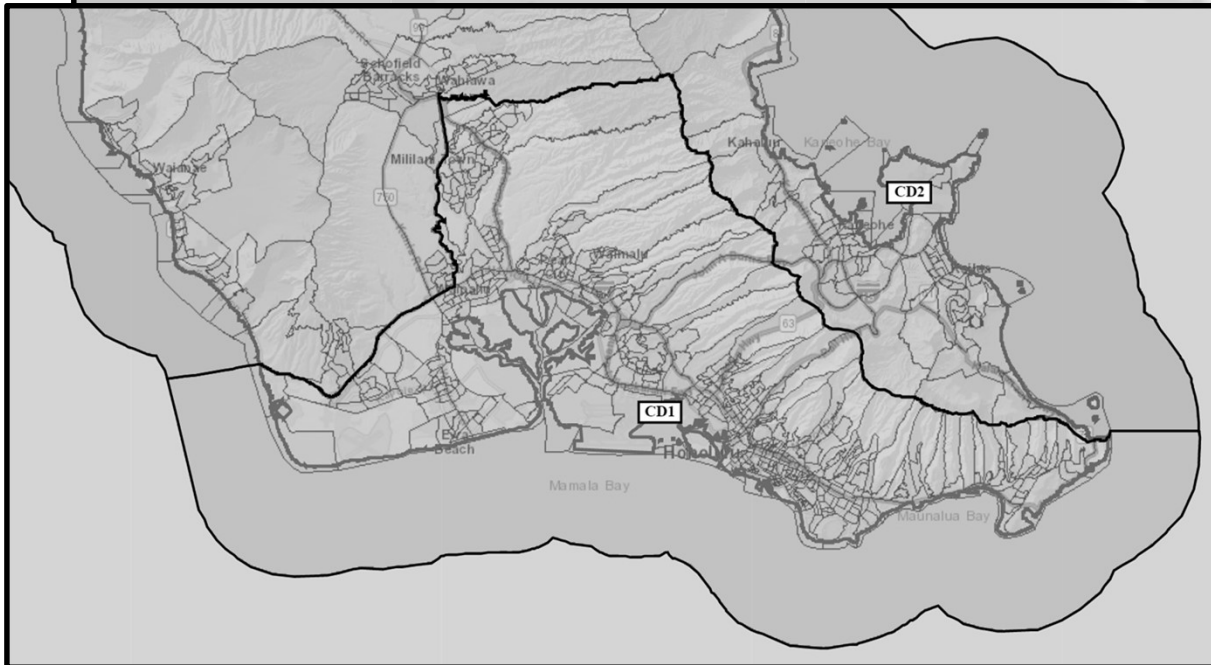


PERSONS	State
Fed population	1,455,271

Proposed Congressional Plans

Ideal (Target) Population per District 727,636

District	Color	Hide	Lock	TOTAL	TARGET	DEVIATION_PCT	DEVIATION
Unassigned	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	0	0	0	0
Congressional 1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	729,831	727,636	0.3	2,195
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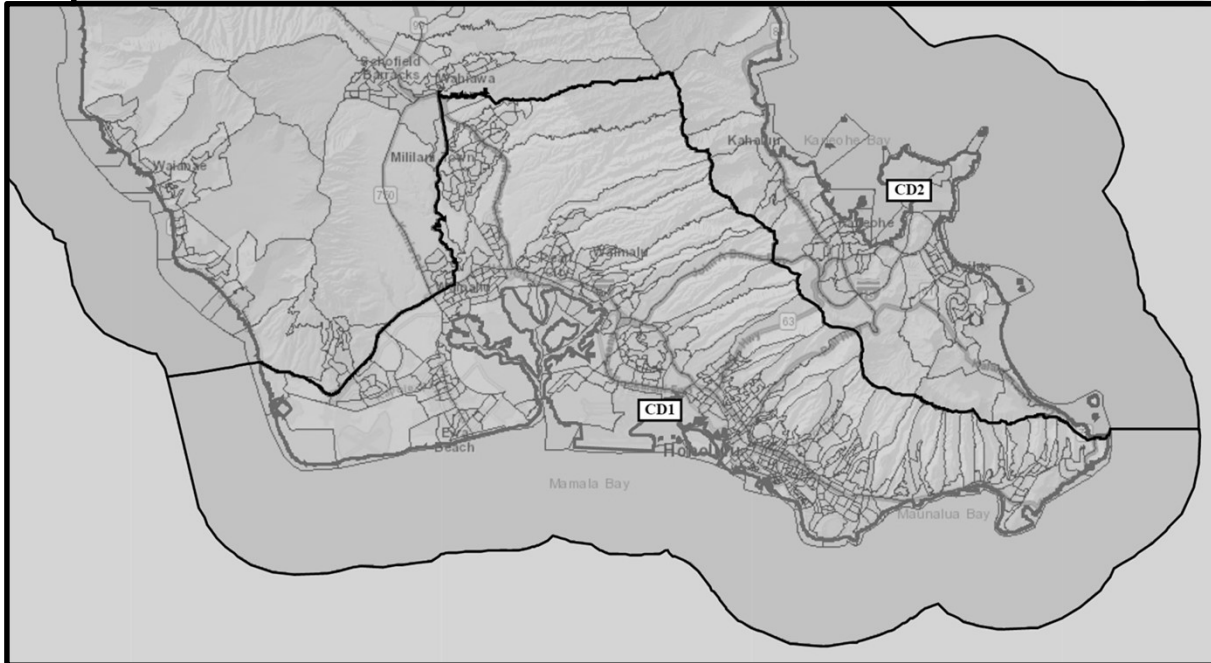


PERSONS	State
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Proposed Congressional Plans

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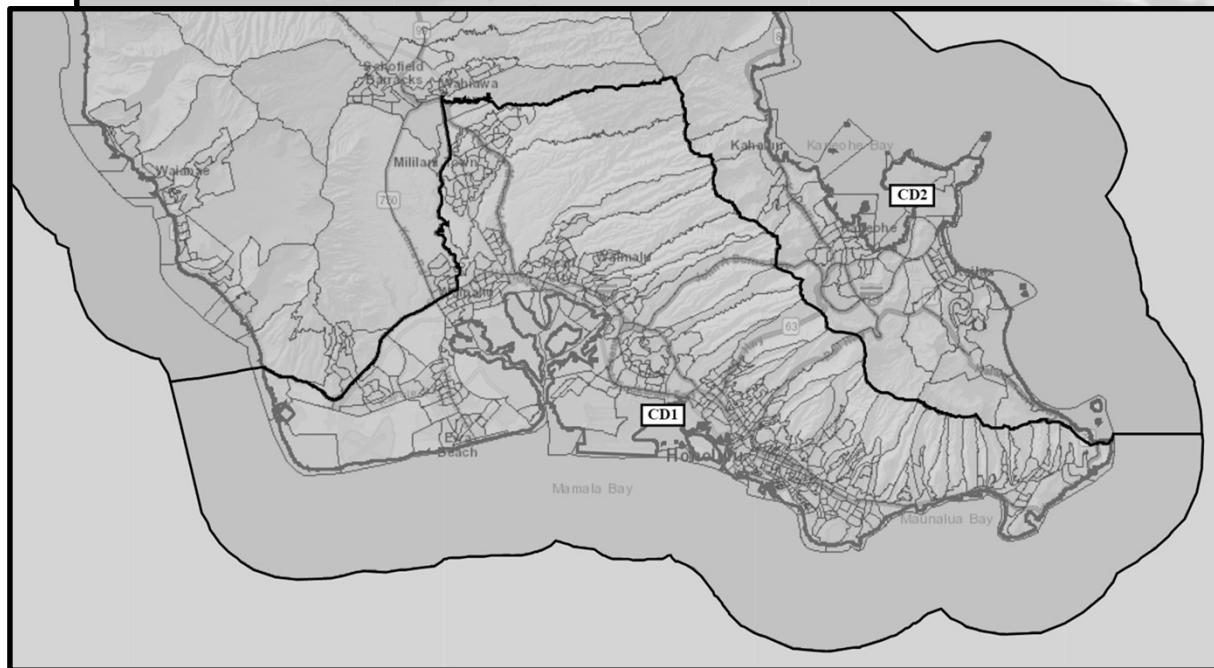


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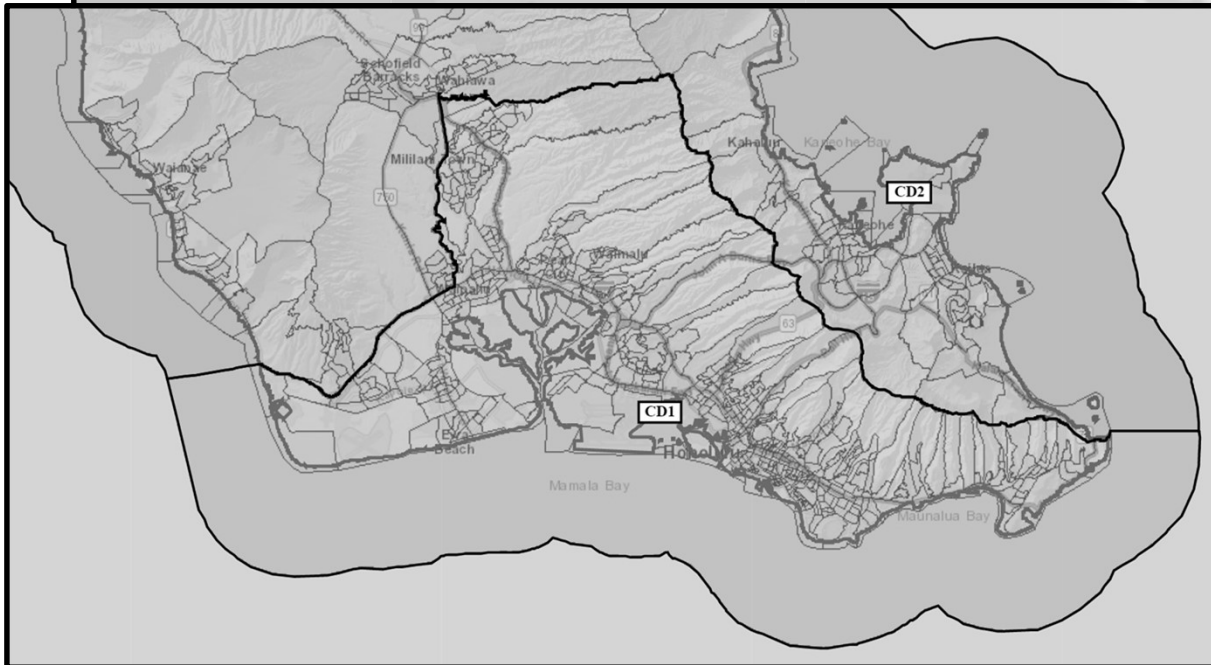


PERSONS	State
Fed population	1,455,271

Proposed Congressional Plans

Total (Overall) Deviation from Ideal (Target) 0.60%

District	Color	Hide	Lock	TOTAL	TARGET	DEVIATION_PCT	DEVIATION
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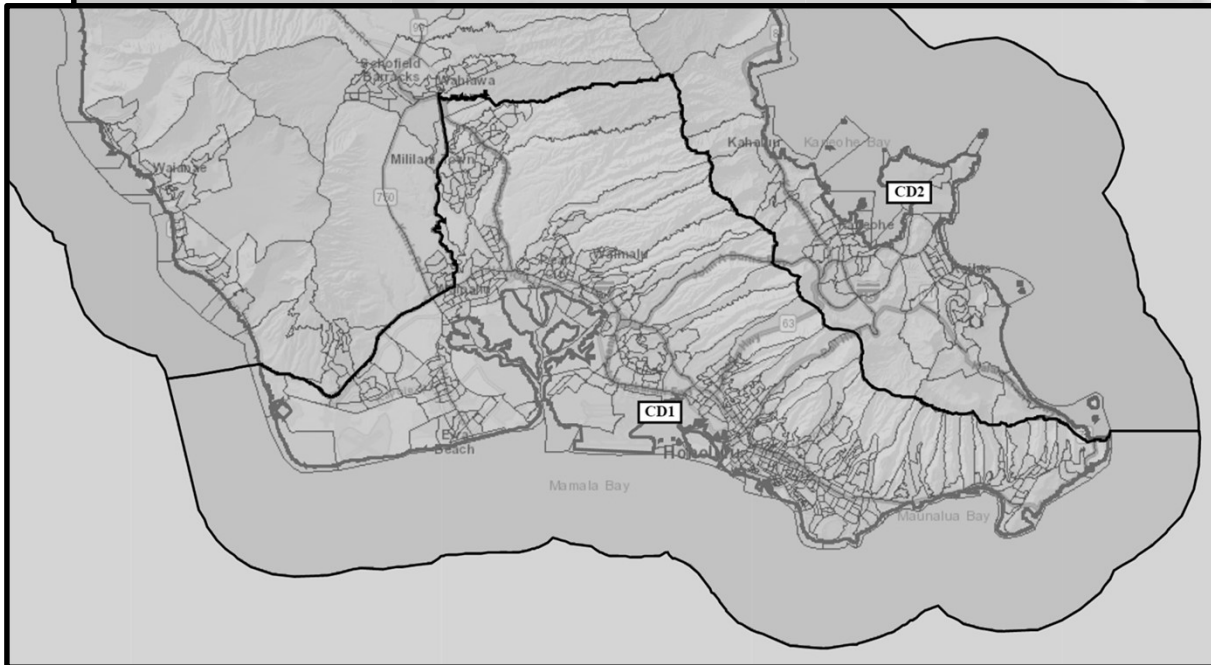
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Courts have upheld:

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PERSONS	State
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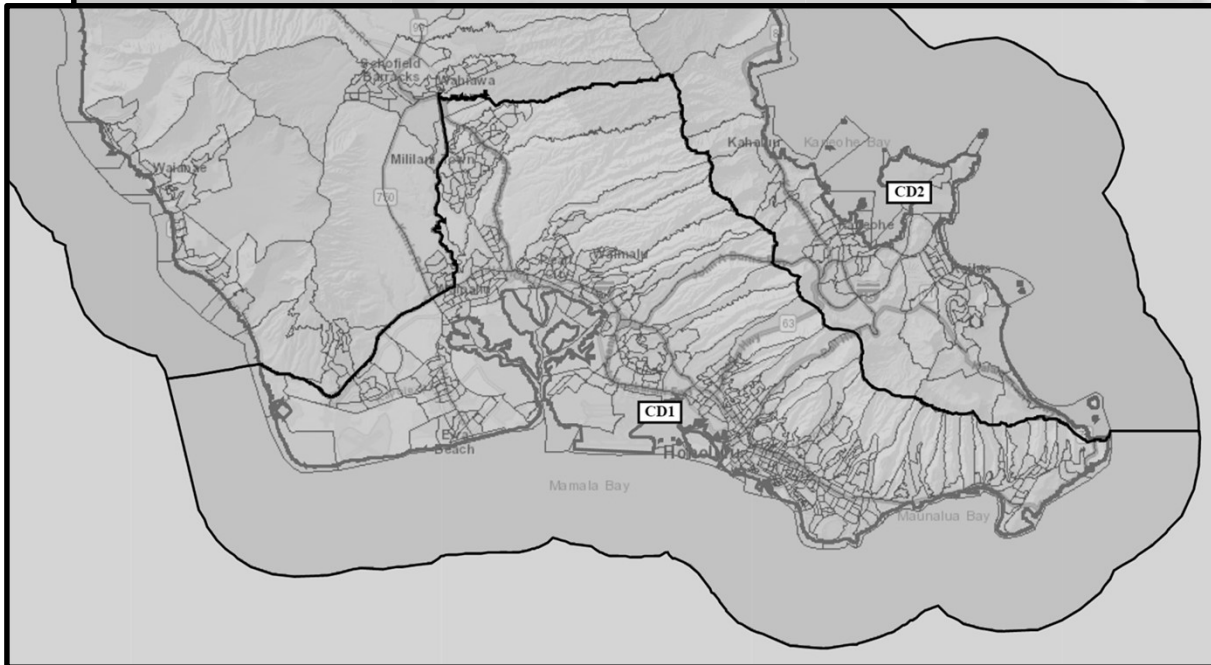
Proposed Congressional Plans - Existing

Total (Overall) Deviation from Ideal (Target) 0.60%

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Unassigned		<input type="checkbox"/>	<input type="checkbox"/>	0	0	0	0
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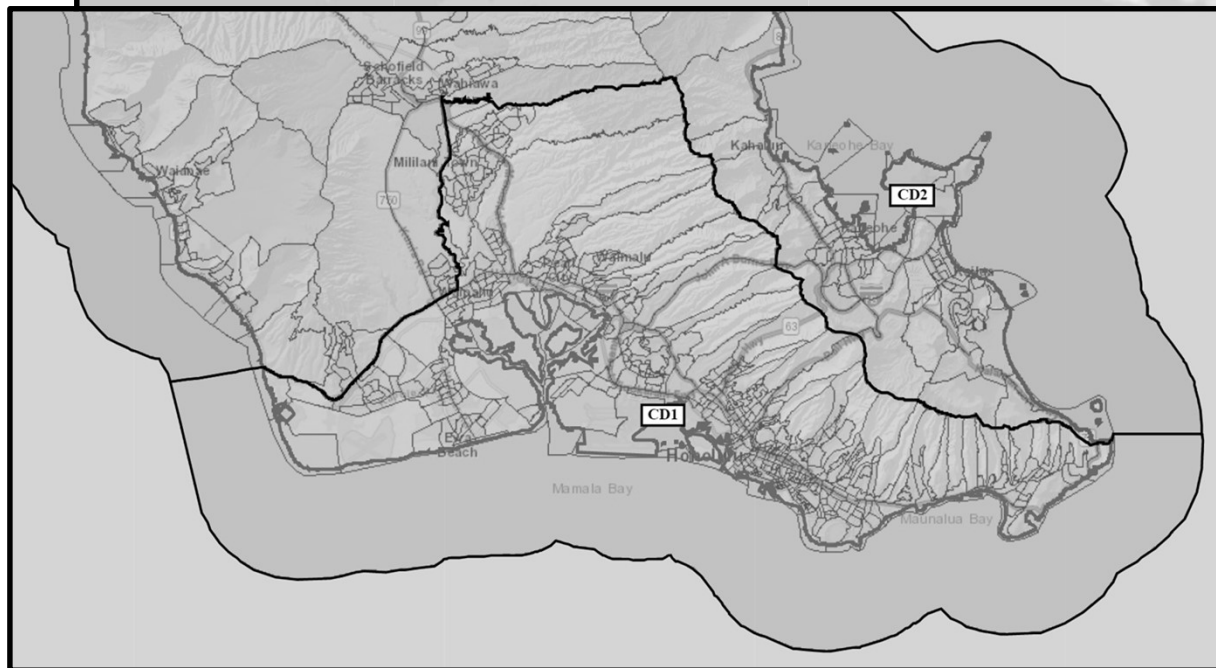
Proposed Congressional Plans – lower deviation?

Total (Overall) Deviation from Ideal (Target) 0.60%

District	Color	Hide	Lock	TOTAL	TARGET	DEVIATION_PCT	DEVIATION
Unassigned	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	0	0	0	0
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PERSONS	State
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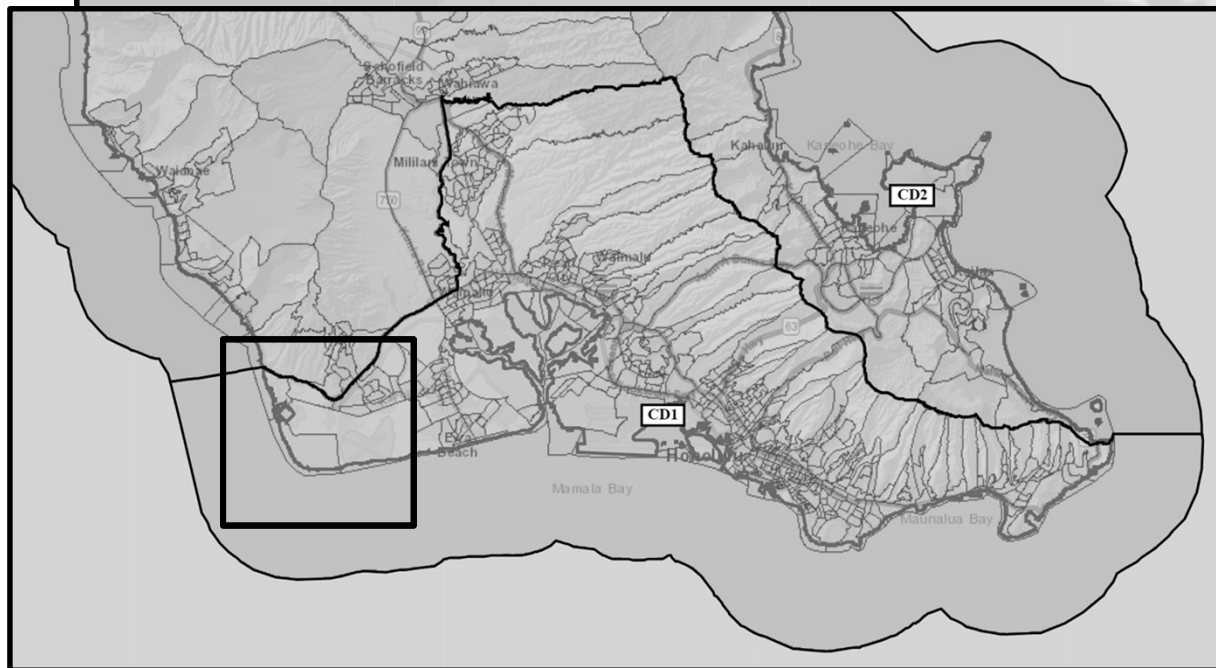
Proposed Congressional Plans – lower deviation?

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PERSONS	State
Fed population	1,455,271

Proposed Congressional Plans – lower deviation?

Ko Olina – Honokai Hale – Barbers Point



Proposed Congressional Plans – lower deviation?

Ko Olina – Honokai Hale – Barbers Point

Existing



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Proposed Congressional Plans - Alternate

Total (Overall) Deviation from Ideal (Target) 0.34%

District	Color	Hide	Lock	TOTAL	TARGET	DEVIATION_PCT	DEVIATION
Unassigned		<input type="checkbox"/>	<input type="checkbox"/>	0	0	0	0
Congressional 1		<input type="checkbox"/>	<input type="checkbox"/>	726,395	727,636	-0.17	-1,241
Congressional 2		<input type="checkbox"/>	<input type="checkbox"/>	728,876	727,636	0.17	1,240

Existing



Proposed Congressional Plans - Alternate

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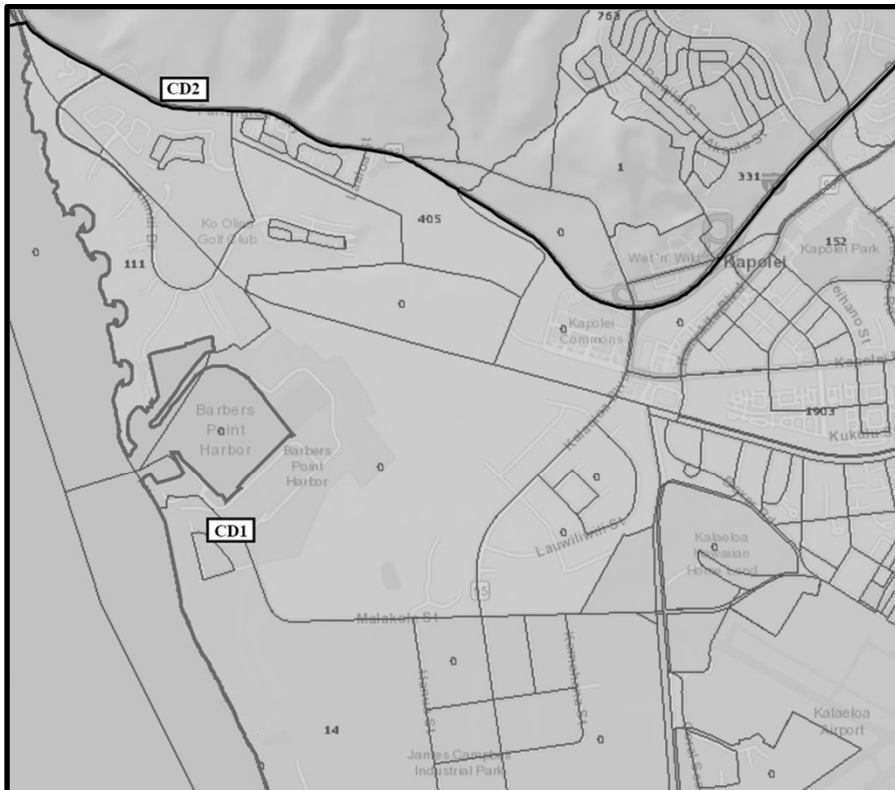
Proposed Congressional Plans – Existing and Alternate

Courts have upheld:

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Existing total deviation 0.60%

Alternate total deviation 0.34%



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Proposed Congressional Plans – Existing and Alternate

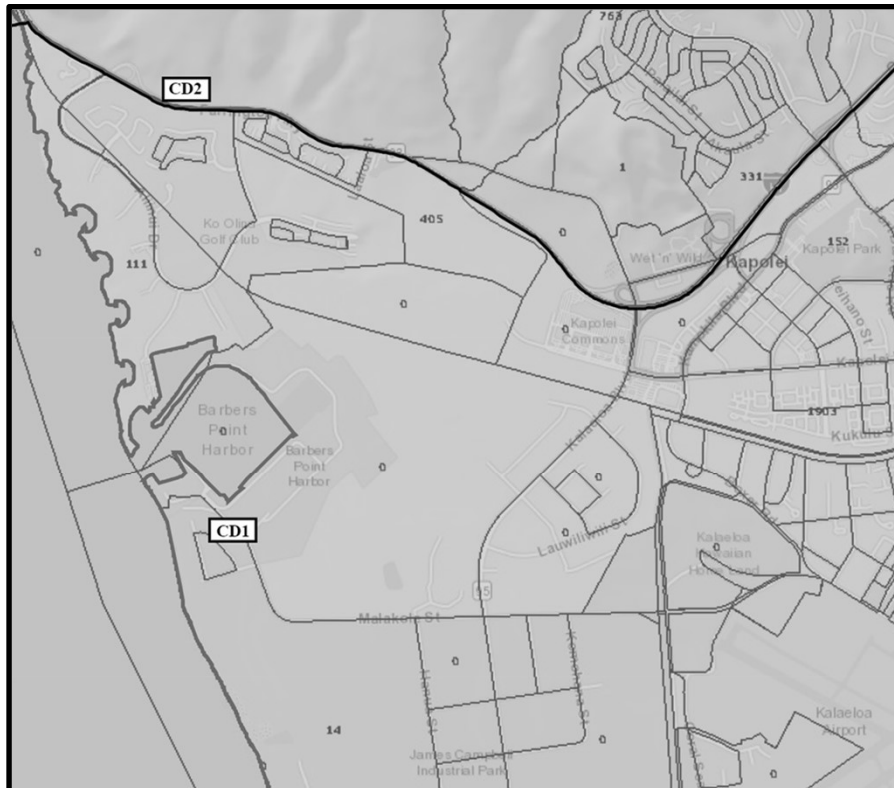
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Questions?

Existing total deviation 0.60%

Alternate total deviation 0.34%



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