

From: [Cory Harden](#)
To: [OE.Elections.Reapportionment](#)
Subject: [EXTERNAL] July 20
Date: Monday, July 19, 2021 12:51:03 PM

testimony for State Reapportionment Commission
9 AM Tuesday, July 20, 2021
from Cory Harden, Hilo

<https://elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/>

Aloha Commissioners, thank you for your volunteer service. I have several concerns:

1 – I urge you to do public committee hearings, as in past years, and not the permitted interaction groups. The interaction groups may follow the letter of the law, but, in the long run, avoiding the public behind closed doors can lead to mistrust, delays, and controversy.

RULE 18

2 – I also urge you to ask legal counsel if you should postpone voting on the rules. The final draft of the rules was not posted till a day or so before this meeting, but should have been posted six days ahead. You don't want to end up with a legal challenge.

3 – Oral testimony should be transcribed. If not, we may eliminate records of testimony from some kupuna who come from an oral tradition and don't do mail or e-mail, but do have extensive historical and cultural knowledge.

RULE 12 (b) Testimony given at any Commission meeting may be electronically recorded verbatim by the Commission at its discretion. It shall not be necessary to transcribe the electronic recording.

4 - add "notice of meetings and meeting materials shall be filed at least six days in advance at the Commission's office and posted on the State of Hawaii's website"

RULE 7

5 – for reconvened meetings, say "notice shall be posted as soon as possible on the Commission website"

RULE 7...no notice shall be required with respect to the reconvening of a Commission meeting that is recessed..

6 - add "the name of each presenter and the organization, if any, that they represent, shall be included in meeting materials when the agenda is posted."

RULE 11

7 – for continued hearings, add "notice shall be posted as soon as possible on the Commission website"
RULE 14 (c) Each such hearing shall be held at the time and place set in the notice of hearing, but may be continued by the presiding officer from day to day or adjourned to a later date or to a different place without notice other than the announcement at the hearing.



Honolulu County Republican Party

Hawaii Republican Party Headquarters
725 Kapiolani Boulevard, Suite C-105
Honolulu, HI 96813

July 19, 2021

Hawaii Reapportionment Commission
c/o Scott Nago, Chief Elections Officer
Office of Elections
802 Lehua Avenue
Pearl City, HI 96782

Re: Reapportionment Commission Rule Regarding Permitted Interaction Groups

Dear Hawaii Reapportionment Commission,

The Honolulu County Republican Party is dedicated to upholding the core values of our Constitutional Republic and ensuring a fair and transparent reapportionment and redistricting process which ensures every registered voter is properly represented.

We have strong concerns regarding the draft rules, specifically, the amendment to Rule 18 modifying previously called commission committees into permitted interaction groups and deletion of these permitted interaction groups from being open to the public.

We strongly believe this violates the open meetings requirement of Hawaii's "Sunshine Law" (Part I of Chapter 92, HRS).

We further recommend the following amendment to Rule 18 be added, "*Permitted Interaction Groups shall be open to the public and subject to the requirements of Rules 11 and 12.*"

If you have any questions or concerns, I'm available to discuss further.

Respectfully,

A handwritten signature in blue ink that reads "Brett Kulbis".

Brett Kulbis
Chairman
Honolulu County Republican Party

TESTIMONY TO HAWAII STATE REAPPORTIONMENT COMMISSION

Tuesday, July 20, 2021

Bart Dame
710 West Hind Drive, Honolulu

Testifying as an Individual.

Aloha Chair Mugiishi and members of the Commission,

Thank you for this opportunity to testify. I have a “laundry list” of questions, concerns and comments rather than an orderly presentation. I can group this into four area, though they are, in a sense, inter- related:

- 1) Transparency
- 2) Projected Timeline
- 3) Conflicts of Interest

1) Transparency

Along with some others, I have expressed concerns whether the deliberations of the Commission would be conducted in open meeting or behind closed doors.

HRS, Chapter 92, Section 5 lists specific “exceptions” that allow for the business of a board or commission to be conducted behind closed doors. I am hoping members can explain to us which of these limited exceptions permit the business of the two committees to be carried out in secrecy.

I would like to call your attention to 92-5 (b), which says in part:

No chance meeting, permitted interaction, or electronic communication shall be used to circumvent the spirit or requirements of this part to make a decision or to deliberate toward a decision upon a matter over which the board has supervision, control, jurisdiction, or advisory power.

Calling these committees “Permitted Interactive Groups” does not actually confer permission to escape Chapter 92, unless one of the specific Exceptions requires it?

Please explain your reasoning for allowing the committees to operate outside the requirements of Chapter 92. Thank you.

2) Projected Timeline

I wonder if the Commission, or the Project Coordinator, can provide us with a sense of the anticipated timeline for the work of the commission?

When will discussion be held on matters like: the population base, multi-member districts, canoe districts, etc., be held?

When will the county advisory councils meet? And will those meetings be conducted in public view?

I look forward to the Powerpoint presentation during today's meeting and assume it will answer many of my questions.

3) Conflicts of Interest

The materials for the last meeting meeting included two codes dealing with Conflicts of Interest. May I suggest that all the commissioners publicly disclose early on any potential conflicts of interest or things that might create the APPEARANCE of such a conflict?

At a previous meeting, during the discussion over who should serve on which committee, it was said that commissioners who live in an area that is likely to have significant redistricting due to population growth should serve on the Technical committee. I nodded in agreement when I heard that as it made sense to me. But afterwards, it occurred to me that there is also a downside as people who live in such an area might very likely not just have good knowledge of the affected districts, but might also have strong political connections that may consciously or not bias their decision-making when it comes to redistricting their home community.

While there is no prohibition against Reapportionment Commissioners being involved in political campaigns or political parties, if any commissioners have relationships that might appear to prejudice them for, or against, incumbent lawmakers or likely candidates, especially if they are involved in drawing the lines which might be seen as impacting such persons, I suggest members should disclose such relationships and or biases in advance. While no individual member will have total control over where the district lines are drawn, the first draft of the 2011 Plan drew complaints from some legislators that they felt as if they had been unfairly targeted because they were not aligned with any of the appointing authorities. The Commission may be able to nip in the bud accusations of unfair targeting by being completely upfront about potential bias or PERCEPTION of bias.

Thank you for this opportunity to testify. I hope my questions and concerns will be considered by the members.