



**STATE OF HAWAII  
OFFICE OF ELECTIONS**

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SCOTT T. NAGO  
CHIEF ELECTION OFFICER

TESTIMONY OF THE  
CHIEF ELECTION OFFICER, OFFICE OF ELECTIONS  
TO THE SENATE COMMITTEE ON HAWAIIAN AFFAIRS  
ON SENATE BILL NO. 1295

RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS ELECTIONS

February 5, 2019

Chair Shimabukuro and members of the Senate Committee on Hawaiian Affairs, thank you for the opportunity to provide comments regarding Senate Bill No. 1295. The purpose of this bill is to require two at-large seats to reside in an urban district, and two at-large seats to reside in a rural district for the Office of Hawaiian Affairs.

While we take no position, we would like to note that there is only one at-large seat up for election in 2020. As such, we believe that the earliest this could take effect would be for the 2024 Elections, to accomplish the change to the residency requirements of the at-large seats envisioned in this measure.

Thank you for the opportunity to testify on Senate Bill No. 1295.

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Unity, Equality, Aloha for all



To: SENATE COMMITTEE ON HAWAIIAN AFFAIRS  
For hearing Tuesday, February 5, 2019

Re: SB 1295 RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS  
ELECTIONS.

Requires two at-large seats to reside in an urban district and two at-large seats to reside in a rural district. Requires one urban district candidate and one rural district candidate to be elected in any election cycle. Changes the term of the member who receives the lowest number of votes in the 2020 general election to serve a term of two years and a term of four years after the general election of 2022. Takes effect upon approval; provided that part I shall take effect on January 1, 2022.

#### TESTIMONY IN OPPOSITION

The first sentence of this bill is false. I believe the author(s) of this bill knowingly and intentionally wrote that sentence to mislead the legislature. It says "The purpose of this Act is to ensure a more democratic election process for the office of Hawaiian affairs ..."  
That's utter nonsense.

A democratic election process is described by the principle "one person, one vote." A democratic election process would ensure that each voter has equal power to determine who wins the election, regardless whether the voter lives in an urban area or a rural area.

The way OHA trustees are currently elected provides disproportionate voting power to rural residents. As you will discover below, the real purpose of this bill is to further worsen that already disproportionate voting power of rural residents at the expense of urban residents. Trust me -- I have a masters degree in Mathematics.

Under the current system there are a total of 9 trustees. Five of them must be residents of particular islands: one must be a resident of Hawai'i Island, one must be a resident of Kaua'i/Ni'ihau islands, one must be a resident of Maui Island, one must be a resident of Moloka'i/Lana'i islands, and one must be a resident of O'ahu. The other four are at-large, meaning they can be residents of any of those seven islands.

This bill defines "'Rural district' means the second congressional district of the State.

'Urban district' means the first congressional district of the State."

Thus we see that under the current system 4 of the 9 trustees are guaranteed to be from the rural district.

According to World Population Review

<http://worldpopulationreview.com/states/hawaii-population/>

the 2019 population of the State of Hawaii is approximately 1,425,000 while the population of O'ahu alone is approximately 953,000. Thus the total number of residents of all the islands except O'ahu is approximately 472,000 which is  $472/1425 = 33\%$  of the total population of Hawaii. But their guaranteed minimum of 4 OHA trustees out of 9 comprise 44% of the trustees.

So under the current system the 6 populated islands outside of O'ahu, with only 33% of Hawaii's population, are already greatly over-represented by having 44% of the OHA trustees.

Under terms of this bill, the 4 OHA trustees who are "at large" would now be apportioned with 2 of them required to be residents of the "rural district" (Congressional district 2). The "rural district" would therefore have the 4 trustees already guaranteed to be from the 6 rural islands, plus the 2 newly apportioned formerly-at-large but now "rural" trustees, for a minimum total of 6 OHA trustees who must reside in the rural Congressional district 2, out of the total of 9 OHA trustees. Thus the trustees residing in the rural district would be  $6/9 = 67\%$  of all the OHA trustees.

But the two Congressional districts are required by federal law to have approximately equal population. Therefore if this bill is enacted a minimum of 67% of OHA trustees would now be residing among only half of Hawaii's population.

In addition it is quite possible that the seat reserved for a resident of O'ahu could be filled by someone who lives in the rural portion of O'ahu that is part of Congressional district 2. If that happens, then 7 of the 9 = 77% of the OHA trustees would be residents of the "rural district" which comprises the approximately half of Hawaii's population residing in Congressional district 2.

In conclusion, enacting this bill would worsen the already significant underrepresentation of our urban residents on the OHA board, while unjustly increasing the already significant overrepresentation of our rural residents. The half of Hawaii's people in the "rural district" would have at least 6 and possibly 7 of OHA's 9 trustees.

Congressional district 1, which has half of the State of Hawaii's population, would have AT MOST  $3/9 = 33\%$  of the OHA trustees, and perhaps as little as  $2/9 = 22\%$  of the OHA trustees.

Anyone who votes for this bill needs to explain why you choose to discriminate so viciously against our urban residents.

**SB-1295**

Submitted on: 2/5/2019 9:48:35 AM

Testimony for HWN on 2/5/2019 1:15:00 PM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rachel L. Kailianu	Testifying for Ho`omana Pono, LLC	Support	Yes

Comments:

**SB-1295**

Submitted on: 2/4/2019 10:02:23 PM

Testimony for HWN on 2/5/2019 1:15:00 PM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Raytan K. Vares	Testifying for Democratic Party of Hawaii-Hawaiian Affairs Caucus Executive Committee	Support	No

Comments:

TESTIMONY OF ESTHER KIA'AINA  
IN SUPPORT OF SB 1295 BEFORE THE  
SENATE COMMITTEE ON HAWAIIAN AFFAIRS

February 5, 2018, 1:15 p.m., Room 016

Chair Shimabukuro, Vice-Chair Kahele and Members of the Senate Committee on Hawaiian Affairs:

My name is Esther Kia'aina of Nanakuli, Oahu. I am testifying in support of SB 1295, which requires two at-large seats to reside in an urban district and two at-large seats to reside in a rural district and other purposes.

I believe the bill will help to remedy the Oahu-centric trend that continues to impact the election of candidates that run for any of the four At-Large Trustees by allowing for greater geographical representation of our Hawaiian community.

I respectfully urge the committee members to support the passage of SB 1295 out of Committee.

Respectfully,

Esther Kia'aina  
[estherkiaaina@aol.com](mailto:estherkiaaina@aol.com)

From: E. Kalani Flores, ekflores@hawaiiantel.net

Submitted on: Feb. 4, 2019

**\*\*PROPOSED REVISION\*\* of SB 1295**

Relating to: Office of Hawaiian Affairs Elections

Submitted to: Senate Committees HWN & JDC

Aloha e Chair and Members of the Committee,

**SB 1295 should be REVISED**

I agree with the intent of this bill. However, the approach fails to address to main problem in that the elections for the Office of Hawaiian Affairs (OHA) trustees fails to provide true representation of its constituents. Thus, the following suggested revisions are proposed for your consideration to ensure a more democratic election process.

The primary problem is that OHA trustees, whether island or at-large seats, are elected at-large. Thus, island seats are NOT true representatives as they are not solely elected by the constituents from their respective islands. **It would the same if your respective senate or house seats were elected by voters at-large.** Would your election be determined by the constituents who you actually represent? No it won't, your election would in most cases be determined by voters outside of your district.

Therefore, to ensure fairness, true representation, accountability, and a more democratic election process, the following revisions are proposed. Examples of proposed revisions drafted below. I shall leave any correct language and other necessary revisions to be determined by your committee.

**113D-1 Board of trustees; number; composition.** The board of trustees shall be composed of nine members elected at-large by qualified voters in the State [-] who reside on the respective islands and in the districts of candidates.

**§13D-4 Election of board members.**

(c) The board of trustees ballot shall be prepared in such a manner that every voter qualified and registered under section 13D-3 shall be afforded the opportunity to vote for each and every candidates from their respective island and district seeking election to the board. The ballot shall contain the names of ~~all~~-board candidates arranged in accordance with section 11-115.

(d) Each voter registered to vote in the general election shall be entitled to receive the office of Hawaiian affairs ballot and to vote for the number of seats ~~available on the~~ representing their respective islands [-] or district.