STATE OF HAWAII
2011 REAPPORTIONMENT COMMISSION

2011 NOTICE OF REAPPORTIONMENT COMMISSION MEETING

Date:	Tuesday, June 28, 2011
Time:	2:00 PM
Place:	State Capitol, Conference Room 325 415 South Beretania Street Honolulu, Hawaii 96813

AGENDA

I. Call to Order – Chair

II. Roll Call and Determination of a Quorum

III. Approval of Minutes for meeting of June 9, 2011

IV. Public Testimony – Any interested person may submit data, views or arguments on any agenda item

V. Report from Hawaii Advisory Council

- What should be included in permanent resident population
    - Active duty military
    - Military dependents
    - Students
    - Sentenced Felons

VI. Discussion and action, if appropriate, regarding Constitutional and statutory criteria and technical specifications for public submission of proposed redistricting plans

VII. Discussion and action, if appropriate, on status of work for Technical Committee

VIII. Update on matters from Reapportionment staff. Commission discussion and action, if appropriate, regarding those matters

IX. Executive Session

Pursuant to HRS § 92-5(a)(4) to consult with the Commission's attorney concerning legal issues regarding population base, permanent residents and prior case law regarding reapportionment and redistricting; and

Pursuant to HRS §92-5(a)(2) relating to filling staff positions as consideration of matters involving privacy will be involved.

X. Schedule future meeting dates

XI. Adjournment

THE COMMISSION MAY ELECT TO CONSULT WITH COUNSEL IN EXECUTIVE SESSION PURSUANT TO SECTION 92-5, HAW. REV. STAT. IF YOU REQUIRE SPECIAL ASSISTANCE OR AUXILARY AIDS AND/OR SERVICES TO PARTICIPATE IN THE PUBLIC HEARING PROCESS OF THE COMMISSION, PLEASE CONTACT THE OFFICE OF ELECTIONS AT LEAST 48 HOURS PRIOR TO THE HEARING SO ARRANGEMENTS CAN BE MADE. FOR FURTHER INFORMATION, PLEASE CALL THE OFFICE OF ELECTIONS AT 453-8683 OR 1-800-442-8683 FROM THE NEIGHBOR ISLANDS.

STATE OF HAWAII
2011 REAPPORTIONMENT COMMISSION

MINUTES OF THE REGULAR MEETING OF THE
2011 REAPPORTIONMENT COMMISSION

June 9, 2011
3:00 pm

State Capitol, Room 329
Honolulu, Hawaii 96813

Commissioners Present:

Victoria Marks, Chairperson
Calvert Chipchase, IV
Clarice Hashimoto
Harold S. Masumoto
Elizabeth N. Moore
Dylan Nonaka
Lorrie Lee Stone
Anthony Takitani
Terry E. Thomason

Technical Support Staff Present:

Robyn Chun, Department of the Attorney General
Judy Gold, Office of Elections
Scott Nago, Office of Elections
Kristen Oka, Office of Elections
Rex Quidilla, Office of Elections
Carolyn Roldan, Office of Elections
David Rosenbrock, Office of Elections
Aaron Schulaner, Office of Elections
Lori Tomczyk, Office of Elections
Charles Wong, Office of Elections

Observers Present:

Jean Aoki, League of Women Voters
Virginia Beck, PAR
Roderick Becker, WAM
Bart Dame
Derrick DePledge, Star-Advertiser
Richard Fale

Josh Frost
JoAnne Georgi, Kauai Advisory Council
Kris Hanselman, UHPA
Joseph Heaukulani
Glenn Ida, Oahu Advisory Council
Nathaniel Kinney, Oahu Advisory Council
Nikki Love, Common Cause
Lynne Matusow
Amy Monk, Oahu County – Democratic Party of Hawaii
David Monk
Caryn Moran
Pat Nakamoto, County of Hawaii-Elections Division
Mark Niesse, AP
Randall Nishimura, Kauai Advisory Council
Michael Palcic, Oahu Advisory Council
Janice Ringler, Common Cause
Randy Rodrigues
Fred Rohlfing, Maui Advisory Council
Michelle Scala, WAM
Madge Schaefer, Maui Advisory Council
Linda Smith, Oahu Advisory Council
Tom Smythe, Military Officer Association
Cynthia Vaillancourt
Melissa Vomuoris, Office of Senator Les Ihara
Alia Wong, Civil Beat
Arnold Wong, Ironworkers 625
Shannon Wood

I. Call to Order

Chairperson Marks called the meeting of the 2011 Reapportionment Commission to order at 3:03 pm.

PROCEEDINGS

II. Roll Call and Determination of Quorum

Roll call was taken and all Commission members were present.

III. Approval of Minutes

Chairperson Marks moved to approve the minutes of the May 24, 2011 meeting. It was noted that the minutes should be amended to include Michael Palcic and Linda Smith from the Oahu Advisory Council under "Observers Present". The motion to approve the minutes as amended was seconded by Commissioner Takitani. There were no objections from the nine commissioners present and the minutes were approved as amended.

IV. Public Testimony – Any interested person may submit data, views or arguments on any agenda item

Ms. Vaillancourt testified that she is a retired military member and currently resides in Hawaii. She requests that the Commission conscientiously consider counting the military in the permanent resident population.

Mr. Rodrigues testified that he is a retired military officer and has lived in Hawaii for the last eight years. He asks that the Commission count the military in the permanent resident population.

Mr. Palcic testified on his own behalf that he is swayed by arguments to keep the state apportionment counts in sync with the federal census. He asks that the Commission consider that individuals living in our state are entitled to representation in the legislature and he also stated that the extraction of a certain population from the census block counts can lead to inexact results.

Ms. Georgi testified on her own behalf and asks that the Commission give Kauai the minimum representation of two (2) state senators and three (3) house representatives as stated in the State Constitution, Article IV, Section 5. She also stated that the current Commission has only one (1) representative from the neighbor islands. She asks that in the future, there is representation from each island unit included in the Commission appointments.

Ms. Wood testified on her own behalf that she feels that the military should be counted in the permanent resident population. She also feels that since the homeless population is always moving, there is a need to find a way to have them counted.

Ms. Aoki from the League of Women Voters stated that since the Commission is appointed and is considered bipartisan, she asks that the Commission remain transparent throughout its process. She also testified that the military and its dependents pose a special problem since their population is concentrated in only a few districts and the population numbers fluctuate. This could potentially cause a negative effect on the population deviation in these districts. Ms. Aoki stated that this comment should not be considered while the Commission decides whether or not to include the military in the population base. She also noted that the 2001 Commission agreed that for the Canoe districts, they would assign each county its own target population.

Mr. Fale testified that he is a combat veteran and is a resident of the North Shore. He asks that the Commission include the military in the permanent resident population. He noted that he also discussed this issue with other active military members and they agreed that they would like to be included in the population count in order to get representation. It is also his feeling that all people have the right to get representation.

V. Reports from Advisory Councils

Mr. Nishimura, Chairperson for the Kauai Advisory Council, noted that the Council submitted written recommendation that the non-resident military population, non-resident military dependents, non-resident students, and convicted felons not be counted in the permanent resident count. Commissioner Thomason asked if these views would change if the military dependents paid Hawaii State income and property taxes. Mr. Nishimura responded that he viewed this as more of an establishment of residency. The larger issue would be, as an example, the shifting of a military facility and its population and how it would impact the representation for a smaller local population. In the event of a down sizing of the facility and its population, there is a potential loss of representation for the smaller communities. This loss of representation would be the primary objection of the Council.

Commissioner Thomason commented that as reflected in the testimony given, it is a concern of the military population that they are counted and represented. He noted that he understands the concerns of the neighbor islands and would like to find a balance in which the concerns of both groups are addressed. He also noted that the State Constitution does have representation protection for each island.

Commissioner Nonaka noted that since he is from the Big Island, he can understand and relate to the military population concerns of the neighbor islands. He also questioned if the military was counted and it did not have an impact on the number of representatives, would the concerns go away. Mr. Nishimura feels that this scenario will not be the case.

Ms. Schaefer, Chairperson of the Maui Advisory Council, reported that the Council met on June 8th. The Council voted unanimously, after a public meeting, that the non-resident military should not be counted in the permanent resident population. This was based on the 1991 Reapportionment Commission recommendation to the Legislature to change the apportionment base from registered voters to permanent residents. This Hawaii State Constitutional amendment was placed on the 1992 General Election ballot and was passed. With regards to the permanent resident population, the Maui Advisory Council voted no to the inclusion of non-resident students and 3-1 on the vote to include sentenced felons. The Council was split on the single or multi-member districts, pending the Attorney General opinion. The Council did not discuss the issue of canoe districts but feel that the Maui population would probably not support having canoe districts.

Mr. Rohlfing, Maui Advisory Council member, commented that in the law suit filed by the Citizens for Equitable and Responsible Government v. the County of Hawaii, the court stated that the phrase "equal resident population" in the County of Hawaii Charter excludes the non-resident college students and non-resident military personnel from the permanent population base for the purposes of reapportionment in the council districts. He suggests that this case be reviewed and given proper weight.

It was reported that the Hawaii Advisory Council was conducting its meeting at the current time and was not available for comments. Mr. Palcic, Chairperson of the Oahu Advisory Council, reported that the Oahu Advisory Council will be meeting on the morning of July 15th, at 8:00 am, in the State Capitol, Conference Room 329.

Chairperson Marks asked if the Commission would have discussion on holding off any decision making until there was feedback from all of the Advisory Councils.

Commissioner Takitani asked if it is known that if we only use the population numbers that we currently have and not include the military

population, would some islands other than Oahu gain any seats. Mr. Rosenbrock explained that there was some discussion regarding this issue, if there is no extraction done, there would be no change in representation. However, if there is an extraction of over 20,000, a senate seat from Oahu will go to the Big Island. Mr. Rosenbrock reminded everyone that we have not yet received any information from the military and that this number only reflects the number needed to create a change.

Commissioner Masumoto suggested that the discussion of single/multi-member districts and canoe districts be removed from the table. Chairperson Marks made a motion to change the order of discussion. Commissioner Nonaka seconded the motion with no objections from the nine commissioners present.

Chairperson Marks asked for any discussion regarding canoe districts. Commissioner Chipchase commented that he understood why the canoe districts were unpopular with the neighbor islands. He noted that he did not want to go into the technical process of reapportionment with limitations but rather have the Technical Committee proceed with data so that the plans could be made in context and not in the abstract and then bring its recommendations to the Commission. He also noted that this comment was not limited only to the canoe districts but also to other issues on the agenda.

Commissioner Masumoto stated that the issue of canoe districts should be addressed and voted on so that the Technical Committee will not have to address it. Commissioner Stone, being a member of the Technical Committee, agreed with Commissioner Masumoto.

Commissioner Nonaka expressed some concern regarding the relationship between the multi-member districts and the canoe districts. He feels that by voting against canoe districts you are possibly voting against multi-member districts and vice versa.

Commissioner Hashimoto, also being a member of the Technical Committee, agreed with Commissioners Masumoto and Stone. She also feels that having canoe districts was not in the best interest of the people affected.

Chairperson Marks made a motion that canoe districts be avoided between basic island units. The motion was seconded by Commissioner Masumoto. With no further discussion, the motion was opposed by

Commissioner Chipchase and carried by the other eight commissioners present.

Chairperson Marks made a motion to have single member districts. The motion was seconded by Commissioner Nonaka. The motion was opposed by Commissioner Takitani. He explained that he was once a member of a multi-member district and saw its weaknesses and strengths and feels that they worked together and the relationships were different. Commissioner Masumoto commented that he will vote in favor of the single member district due to his views, as an example, of one district being represented by one senator and another represented by multiple senators. The motion was also opposed by Commissioners Thomason, Moore, and Chipchase. The motion was carried by the other five commissioners present.

Chairperson Marks suggested that in terms of what constitutes the permanent resident population, she would like to wait until she hears from the remaining Advisory Councils.

Commissioner Thomason commented that having served in the military he understands and agrees with the testimony to count the military and its dependents. He would like to see the military counted if there is no difference or no great impact.

Commissioner Stone noted that she briefly reviewed the legal case discussed by Mr. Rohlfing, Maui Advisory Council member, and feels that the Commission should have some legal guidance before making a decision on the non-resident military issue. The Commission may seek an opinion from the Attorney General and Commissioner Thomason suggested that the response remain confidential until the Commission, with the advice of the Attorney General, decides to release the information.

Chairperson Marks made a motion to not make a decision on what constitutes permanent resident population until the Commission receives input from all of the Advisory Councils. Commissioner Stone seconded the motion with no objections from the nine commissioners present.

Commissioner Masumoto suggested that a deadline date for the Advisory Councils input be imposed. Since one was already given, Commissioner Chipchase suggested that the vote for this decision be placed on the agenda for the next meeting. Chairperson Marks noted that this meeting

will be continued on June 15th and perhaps the decision making for this issue could be continued then. Chairperson Marks moved to delay decision making on the permanent resident population until the next meeting on June 15th. Commissioner Stone seconded the motion with no objections from the nine commissioners present.

VI. Discussion and action, if appropriate, whether reapportionment and redistricting should start with existing legislative districts and their boundaries and adjustment of those boundaries to meet new population targets.

Project Manager Rosenbrock and Mr. Jones from ESRI provided a brief presentation on starting with existing legislative district boundaries which will be posted on the Office of Elections website.

Commissioner Masumoto noted that starting with the existing legislative districts boundaries will be the least disruptive for voters. Using the existing boundaries will give the Technical Committee a starting point and they will be able to adjust the lines accordingly.

Chairperson Marks made a motion to have reapportionment and redistricting start with existing legislative districts and boundaries and adjustment of those boundaries shall be done to meet the new population targets. Commissioner Hashimoto seconded the motion with no objections from the nine commissioners present.

VII. Discussion and action, if appropriate, regarding Constitutional and statutory criteria and technical specifications for public submission of proposed redistricting plans.

Chairperson Marks made a motion that the technical specifications that were given on the handouts during the presentation be used for public submissions of any proposed redistricting plans. The motion was seconded by Commissioner Nonaka.

Mr. Palcic suggested that there may be other things to consider besides population targets when adjusting boundaries. Mr. Rosenbrock reminded everyone that the Commission will still need to adhere to the Constitutional requirements when adjusting boundaries. Use of the existing boundaries is a starting point which can be adjusted to reflect current data.

With no further discussion the motion was carried unanimously by the nine Commissioners present.

VIII. Discussion and action, if appropriate, on status of work for Technical Committee

Chairperson Marks noted that item VIII will be left to the Technical Committee.

IX. Discussion and action, if appropriate, of reapportionment and redistricting

Chairperson Marks noted that item IX will be left to the Technical Committee.

X. Discussion and action, if appropriate, of administrative matters

Chairperson Marks announced that the reapportionment appropriation bill has been signed and it will probably take a week to 10 days to get the contract signed and new staff brought on board. She also announced that the Administrative Assistant position will be filled by Caryn Moran and the Secretary position will be filled by Sylvia Matsuda.

Mr. Rosenbrock announced that the Skype service is available for the Commission; however there is no broadband access into Conference Room 329 so the Skype service could be done through wireless, but the throughput is not good.

Mr. Rosenbrock reported that he has been working with Olelo and was told that they are able to do live broadcasts of the Commission meetings but most programs are taped and shown to suit the Olelo broadcast schedule. It was also noted that the taped programs can be shown on the neighbor islands. The broadcast times will be determined by the local stations.

Commissioner Nonaka commented that there is a service called U-Stream that is available for live broadcasts and he will discuss the particulars with Mr. Rosenbrock at a later time. Since the Capitol may not be wired, there may be technological issues with live broadcasts.

Commissioner Nonaka made a motion that the Commission will try to seek ways to have meetings broadcast live, subject to technology.

Chairperson Marks seconded the motion with no objections from the nine commissioners present.

XI. Executive Session

Chairperson Marks moved for the Commission to go into executive session. Commissioner Chipchase seconded the motion with no objections from the nine commissioners present.

The Commission resolved into executive session at 4:52 pm and reconvened into open meeting at 5:32 pm.

Chairperson Marks announced that the legal opinion received from legal counsel may be released to the public if agreed upon by the Commission. The contact person to obtain a copy will be Deputy Attorney General Robyn Chun.

XII. Schedule future meeting dates

The next scheduled commission meeting will be held on June 28th at 2:00 pm at the State Capitol, Conference Room 325.

Recess

At this juncture, Chairperson Marks moved to recess this meeting and reconvene on Wednesday, June 15th at 10:00 am at the State Capitol, Conference Room 329. Meeting was recessed at 5:34 pm.

Reconvening of the Meeting

On Wednesday, June 15, 2011, at 10:06 am, the meeting was reconvened at the State Capitol, Conference Room 329. All commissioners with the exception of Commissioners Moore and Takitani were present.

Chairperson Marks announced that Olelo was present at the meeting and was broadcasting live locally and to the neighbor islands. The meeting is also being taped for broadcasting at a later date and time.

Chairperson Marks then asked for any public testimony.

Mr. Smythe testified that he is a retired military officer and currently with the Military Office of America. He is in support of the inclusion of the

military in the permanent resident population. He noted that a recent study done by RAND breaks down the military contributions made to this State's economy. This study is available for review online on the HIPA website.

Ms. Matusow testified that she would like to see the Technical Committee post meeting notices and have open meetings and allow public testimony like the Commission is currently doing since she feels the Technical Committee work is very important.

Ms. Schaefer, Chairperson for the Maui Advisory Council, asked that the entire factsheet that was provided in 1992 regarding the proposed amendments to the Hawaii State Constitution be made available. A copy of the entire factsheet was provided and will be made available online.

Mr. Dame testified that after much thought and consideration, he does not support the inclusion of military personnel in the permanent resident population. This is primarily because the military population is not here to establish permanent residency but were transferred here for military duty. Commissioner Thomason asked if he also felt that the military dependents should be excluded and he responded that the dependents were here because they have come with their transferred spouse and were not here to establish permanent residency and therefore should not be included. He also commented that most of the incarcerated felons have been long time residents of the State and if possible, should be counted in their resident districts instead of the district of the Halawa Correctional Facility or the Oahu Community Correctional Center.

Commissioner Takitani arrived.

Mr. Palcic, Chairperson for the Oahu Advisory Council, presented to the Commission a resolution passed by the Oahu Advisory Council recommending that population counts used in redistricting State House and Senate, be the same as Congressional District (1,360,301). The Oahu Advisory Council feels the fair and equitable solution is one of inclusion.

Chairperson Marks inquired if there was any representation from the Hawaii Advisory Council. Since no one was available, Chairperson Marks suggested that the Commission hold off decision making on population base. Commissioner Thomason stated that he would prefer to wait for

input from the Hawaii Advisory Council before any decision making. All Commissioners present agreed.

Chairperson Marks requested further discussion on the Technical Committee and their work. It was her understanding that the Technical Committee's work was to develop redistricting recommendations for the Commission. In consideration of earlier testimony given by Ms. Matusow, Chairperson Marks would also like the Technical Committee's work and process be transparent for the public.

Commissioner Nonaka said that as a member of the Technical Committee, he is willing to meet and work with individuals if they are interested in giving comments or recommendations to the Technical Committee. He stated the public will have the ability to go on line where the software will be available on the website and would be a more practical way for public input. He also noted that the work of the Technical Committee will not officially start until the contract is signed.

Chairperson Marks made a motion that the Technical Committee be assigned to investigate the redistricting for the US House of Representatives, and both the State Senate and House of Representatives, and report back their recommendations and be prepared to discuss these findings with the Commission. Commissioner Thomason seconded the motion with no objections from the eight commissioners present.

Chairperson Marks stated that in terms of administrative matters, a proposed plan will need to be published by the August 7th and will then go out for public hearing. The proposed plan may change based on input from the public. Also noted was that administratively, we are still waiting for the contract to be signed so that the Technical Committee can begin work and we are also waiting for Personnel to hire the staff.

Commissioner Chipchase left.

Mr. Rosenbrock announced that the new email address for the Reapportionment Commission is: Reapportionment@hawaii.gov

Chairperson Marks suggested the Commission go into executive session to discuss legal advice with Counsel regarding population base. Commissioner Nonaka moved for the Commission to go into executive

session. Commissioner Thomason seconded the motion with no objections from the seven commissioners present.

The Commission resolved into executive session at 11:17 am and reconvened into open meeting at 12:13 pm.

Chairperson Marks announced that the Commission has decided not to release the preliminary opinion from the Attorney General's Office regarding population base because the Commission will be sending a formal written request asking for additional legal opinion.

Also noted, that upon entering into executive session, it was noticed that a tape recording device was left on and taping on the front row. The tape recording device is now in the possession of the Chairperson and will be turned over to the Attorney General's Office, and asked if any laws have been broken.

XIII. Adjournment

Chairperson Marks moved that the meeting be adjourned. Commissioner Stone seconded the motion with no objections from the seven commissioners present.

There being no further business, the meeting was adjourned at 12:17 pm.

The next meeting is scheduled for Tuesday, June 28, 2011 at 2:00 pm in Conference Room 325 at the State Capitol.

Respectfully submitted,

Scott T. Nago
Chief Election Officer
Secretary to the Reapportionment Commission

2011 ADVISORY COUNCIL OF ISLAND OF HAWAII

JUNE 9, 2011

A meeting of the Hawaii Island Advisory Council was held on June 9, 2011 at 4:45 PM at Waimea Community Center to discuss matters on the published Agenda. All four members of the Advisory Council were present.

1. The first organizational meeting was held and the following members were elected officers:

James Arakaki Chairman, David Ross Vice Chairman, Richard Ha Secretary and Barry Lamb Treasurer.

2. In addition to the Advisory Council members, eight members of the public attended the meeting, and gave testimony on matters on the agenda. Most of the public testimony opposed the inclusion of the following groups in the permanent resident population for the purposes of re-districting: (A) Non-resident military; (B) Non-resident military dependents and (C) sentenced felons. However most supported including (D) Non-resident students. Most of the testifiers were against (E) multi member districts and supported single member districts. Most of the testifiers were also against (F)"Canoe District".

3. A vote of each agenda item was taken by the members and the following are the results:

A. Non-resident military (NO). Since most of the non-resident military are on Oahu, adding the non-resident military increase the size of the target population for the State House and Senate Seats, and make less likely that will skew the actual resident population on the Big Island as most of the non-resident military are on Oahu.

B. Non-resident military dependents (NO). Same argument as (A) and also most of that segment of population are transient and probably vote in their home state.

C. Sentenced Felons (NO). Most of the incarcerated felons are on Oahu and on the mainland and are wards of the state and should not be counted in the redistricting process.

D. Non-resident students (Yes). Students are active in the political process and probably have their first taste of voting while in college.

E. Single member or multi member district: Members of the council voted to keep the single member district as more representative of voters in that district.

F. Canoe district: Members of the council voted NO to canoe district. They felt that the contiguous county districts were more representative of the people in that district.

Next meeting via video conference between Kona and Hilo is Thursday, June 23, 2011, subject to scheduling.

Respectfully Submitted

James Arakaki, Chairperson

2011 Hawaii Island Advisory Council

Star Advertiser.com
EDITORIAL

Count Military in Redistricting

Jun 27, 2011

A study about Hawaii's military economy, published in June by the Rand Corp. and based on 2009 numbers, estimates that more than 100,000 armed services members and their dependents call Hawaii home. Just how or whether they should be counted in the current revision of state election maps is one of the questions consuming the state Reapportionment Commission.

According to past practice and some interpretations of the state Constitution they shouldn't be counted in the drawing of voting districts. Defenders of this position argue that very few of them vote in state elections. Also, they say if districts include large military-base areas, the number of actual number of voters electing the district representative will be sparse, giving each voter disproportionate power in an election.

Placing the district boundaries in these cases will be complicated. But the primary injustice lies in continually ignoring such a large and important group in distributing legislative seats.

The goal should be to include military employees and dependents in the constituency of lawmakers elected from their neighborhoods communities in which military families play an active role. However, it's unclear how soon such a change can be accomplished.

An amendment passed in 1992 requires that only "permanent residents" form the basis of reapportionment plans. But that term has never been defined, even though the 2001 commission recommended that lawmakers do so.

The current panel has requested advice on the population base from the state attorney general, but is not releasing any information from that inquiry to the public. This is a ludicrous position. If ever there was an issue in which the general population has a prevailing interest, it is legal advice about how the general population should figure into the distribution of lawmakers it will elect. The content of

these communications should be a matter of public record.

The ideal outcome would be the term "permanent resident" being legally construed as including the military, and then being clearly defined in statute in the coming session. If state lawyers say the Constitution must be changed again to more explicitly include them for instance, basing population on the most recent Census, as many states do then that action should be initiated.

Even if active-duty service members have declared some other state as their home of record, they are not visitors, and their dependents have made no such declaration. The entire family pays state general excise taxes, attends schools and uses other state facilities. Many are active in community groups.

Constituents include many civilians who are not here permanently, many noncitizens here through work visas who may have plans to return home at some point. They include other nonvoters, too, such as minor children. But all are counted as people the government serves while they're here. There's no logical reason why military residents should be given any less weight than these people.

Only Kansas and Hawaii exclude the military in reapportionment plans, each for its own reasons. In this state, neighbor islanders argue heatedly that inclusion makes government even more Oahu-centric than it already is: The commission expects that it would add a Senate seat on this island, one that would otherwise go to Hawaii County.

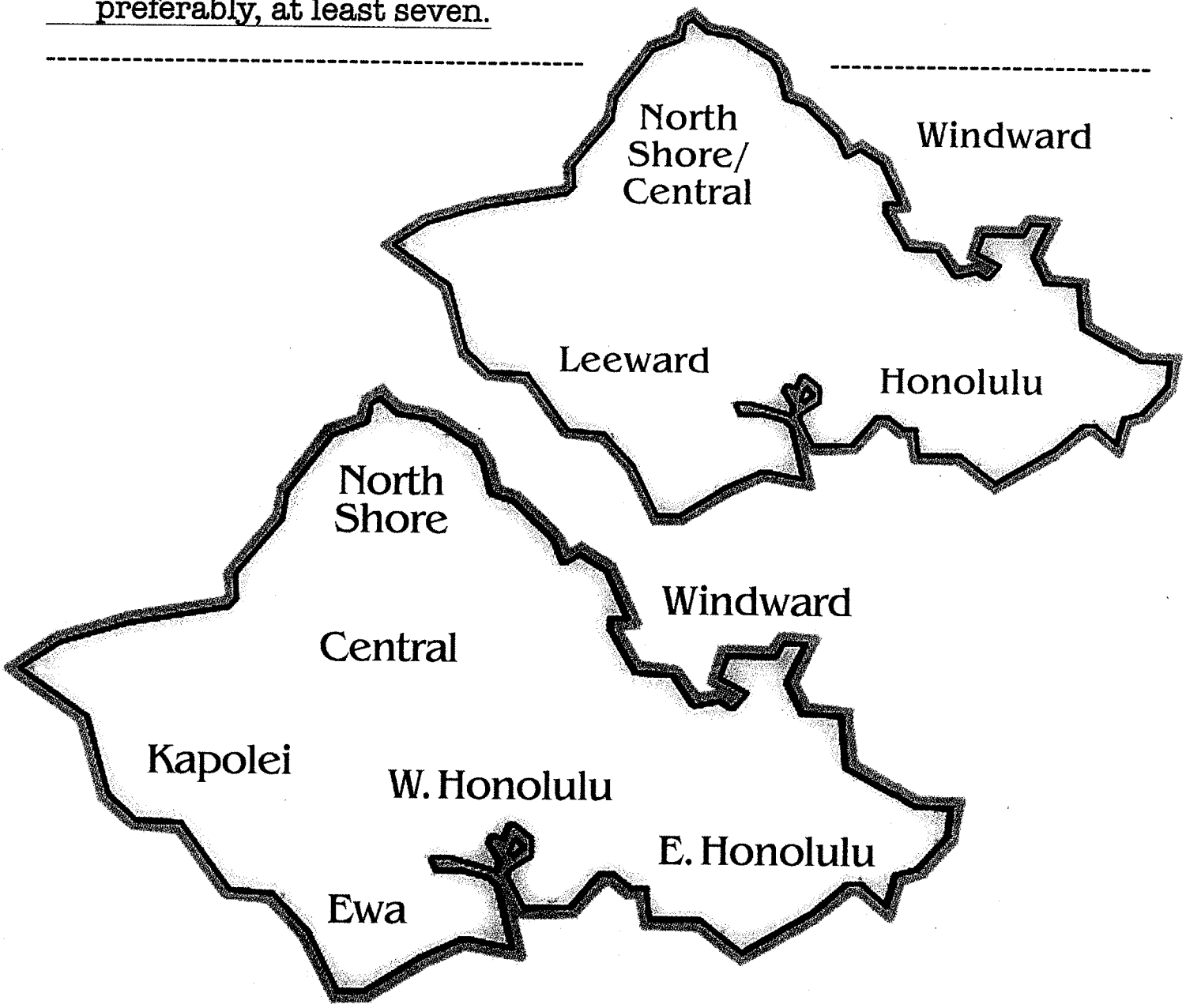
But interisland rivalries can't be the determining factor in reapportionment. If the military adds more heft to the Oahu population, then an accurate reapportionment plan should reflect that.

The Rand study reported that the defense sector adds 12 billion to the state economy. Its contribution in other ways school participation, community involvement is invaluable. Creating a government structure that ignores all this simply defies fairness. It's time to acknowledge the true presence of the military in the reapportionment plan.

Oahu Apportionment Advisory Council
RECOMMENDATION – Adopted June 28, 2011

OAAC recommends to the 2011 Hawaii Reapportionment Commission that preparations for public hearings on the Commission's proposed reapportionment plan begin by mid-July. The plan is due for public release on August 7th and this window will allow time for Commission staff to complete preparations which shall include:

1.) Securing the use of appropriate venues within the community; and
2.) Setting dates and times of meetings well in advance; and
3.) Publicizing the meeting schedule and the importance of the decennial reapportionment; and
4.) Conducting a minimum of four such hearings on Oahu and, preferably, at least seven.



Fw: Section 92-2.5, Permitted interactions of members
Elections Reapportionment
to:
Carolyn L Roldan
06/27/2011 03:42 PM
Hide Details
From: Elections Reapportionment/DAGS/StateHiUS

To: Carolyn L Roldan/DAGS/StateHiUS@StateHiUS

For commissioners from reapportionment@hawaii.gov

-----Forwarded by Elections Reapportionment/DAGS/StateHiUS on 06/27/2011 03:41PM -----

To: reapportionment@hawaii.gov
From: Lynnehi@aol.com
Date: 06/15/2011 03:47PM
Subject: Section 92-2.5, Permitted interactions of members

Please note this is an official communication for the commissioners.

At today's meeting, Chair Marks referred to the above referenced section of HRS. The Technical Committee was changed into a Permitted Action Group (PIG). Chair Marks noted that two or more members of a board, but less than the number of members which would constitute a quorum for the board may be assigned to investigate a matter. The PIG was duly constituted. However, it was not mentioned that under (1) (C), deliberation and decisionmaking on the matter investigated, if any, occurs only at a duly noticed meeting of the board held subsequent to the meeting at which the findings and recommendations were presented to the board.

Thus, it would require two commission meetings to take action on an investigation.

Lynne Matusow
60 N. Beretania, #1804, Hon 96817
531-4260

Fw: Reapportionment
Elections Reapportionment
to:
Carolyn L Roldan
06/27/2011 03:42 PM
Hide Details
From: Elections Reapportionment/DAGS/StateHiUS

To: Carolyn L Roldan/DAGS/StateHiUS@StateHiUS

1 Attachment

Image.8FFA78EC-46E9-42F4-AEC2-B996BF28D41C@hawaii.rr.com.jpg

For commissioners from reapportionment@hawaii.gov

-----Forwarded by Elections Reapportionment/DAGS/StateHiUS on 06/27/2011 03:42PM -----

To: reapportionment@hawaii.gov
From: Vincent Daubenspeck <teamhonu@hawaii.rr.com>
Date: 06/15/2011 06:34AM
Subject: Reapportionment

Dear Commission members:

As a retired officer living permanently in Hawaii, I write in favor of including military personnel, resident in Hawaii, when allocating population for legislative districts.

The Constitution, under 'Residence,' explicitly requires that a person's status as a Federal employee not determine whether or not they are residents: this is a question for the Commission to determine in its discretion.

All citizens resident here one year are eligible to vote. Military personnel are eligible too, and should be counted for reapportionment purposes, whether they actually vote in large numbers or not.

Military personnel are explicitly not counted in their home towns elsewhere, by the US Census' own rules (from Guidelines on Who to Count, 2010 Census Reference Book, U. S. Dept. of Commerce, p. 7). If we do not count them here, they are being taxed (GET, cigarette, alcohol, gasoline, auto registrations, property taxes, etc.) WITHOUT REPRESENTATION. Whether they vote or not, just as many other residents, who may or may not vote, they deserve to be counted.

While the 1992 amendment did call for 'permanent residents,' as opposed to only registered voters, to be counted by the Commission. The voters did not decide the meaning of 'permanent resident' in 1992, they simply decided that all residents, rather than registered voters only, are to be counted in re-apportionment. Soldiers, sailors, and airmen live here, register cars here, buy property here, pay taxes here, are subject to family and regular courts and police powers, and stand ready to come to their fellow citizens' aid in the event of natural disaster or enemy attack. They are here as permanently as they can be anywhere, and those who live here are fellow citizens, and those who fall in battle for us, are permanently our citizens, no matter where they came from. Failure to count them in apportioning representatives would be against equity, against justice, and against our American tradition and Constitutional requirement of proportional representation. I understand that only one other state in the union, Kansas, fails to count military personnel for reapportionment.

This is a basic question of justice for all and equal protection of the laws. An invidious definition of 'permanent' that rules out eligible voters among our resident military neighbors, would not show aloha, would effectively disenfranchise many of the noblest among us, and is not a worthy position for our island culture.

There should be no taxation without representation in Hawaii nei.

Respectfully,

Vincent L. Daubenspeck II, R, MBA, CRS
Broker in Charge, RE/MAX Honolulu
338 Kamokila Blvd, Suite 206
Kapolei, HI 96707
(808) 277-3268 Cell
(866) 466-8644 Fax
vincentd@remax.net
www.HonuRealEstate.com

Fw: reply to military resident objections to being counted
Elections Reapportionment
to:
Carolyn L Roldan
06/27/2011 03:43 PM
Hide Details
From: Elections Reapportionment/DAGS/StateHiUS

To: Carolyn L Roldan/DAGS/StateHiUS@StateHiUS

1 Attachment

Reply to military resident objections Jun-15-2011.doc

For commissioners from reapportionment@hawaii.gov

-----Forwarded by Elections Reapportionment/DAGS/StateHiUS on 06/27/2011 03:42PM -----

To: reapportionment <reapportionment@hawaii.gov>
From: Boyd Ready <boyd@akahisvc.com>
Date: 06/15/2011 08:17AM
Cc: boydready <boydready@hawaii.rr.com>
Subject: reply to military resident objections to being counted
(See attached file: Reply to military resident objections Jun-15-2011.doc)

Dear Reapportionment Commission members:

the attached is a reply to military residents who commented in a recent e-mail exchange about counting them during reapportionment

It is worth considering as part of the testimony

This testimony is FOR including military residents in reapportionment

15 June 2011

Re: Reapportionment including military residents: reply to objecting military residents

Dear Matthew and Chris,

The issue is not 'ability to vote.' Our Constitution already permits any citizen living here one year the right to vote. The issue is not a desperate ploy to use military members as 'pawns.'

The issue is proportionate representation, 'one man, one vote.' When districts are redrawn every 10 years after the Census, their population must be roughly equal. Legislators represent everyone in their districts, voters and non-voters.

Income taxes is one thing. What about the 4.72% excise tax, the cigarette taxes, gasoline taxes, alcohol taxes, vehicle weight taxes, taxes on containers brought in, taxes on visitor accommodations (military folks families often visit them here), property taxes (military often buy property here).

Police powers decided by local legislators affect military personnel; family courts affect them; the education system, micromanaged by the elected legislature, affects them, etc.

The question is, with the Census deliberately not counting out-of-town students and military, and with our Reapportionment Commission last time deciding to exclude them in drawing District lines, our soldiers, sailors, and airmen are not PROPORTIONATELY REPRESENTED.

They are TAXED WITHOUT PROPORTIONATE REPRESENTATION.

The issue of where they choose a domicile for income tax purposes, or to vote at home absentee, etc., is really a separate, individual matter. Even if they vote at home, their representation is diluted by their not being counted back home!

This quiet discrimination against military members is analogous to their inability to vote on time when overseas, and needs correction.

Sincerely,

Boyd Ready

59-661 Alapio Road, HI 96712
808-638-8462, home; 306-9307, mobile

Sincerely,

Boyd Ready
59-661 Alapio Road
Haleiwa HI 96712
808-638-8462; 306-9307

Reapportionment Population Base in Hawaii

1968 Constitutional Convention

Prior to the 1992 constitutional amendment the reapportionment/redistricting population base used by the state was the voter registration file.

"In Hawaii, the 1968 Constitutional Convention settled on eligible voters as the most appropriate apportionment base for the state. As a matter of policy, eligible voters were adopted because it excluded nonresidents, transients, aliens, incompetents, felons, and minors. However, since data regarding eligible voters in Hawaii was not readily available for computational purposes, the convention settled on registered voters as an accurate estimation."

"Hawaii Constitutional Convention Studies 1978, Article III: Reapportionment in Hawaii Volume II", 1978, Legislative Reference Bureau.

1991 Reapportionment Commission

In 1991, the Reapportionment Commission chose to use "permanent residents" as their population base. See "1991 Reapportionment Commission Final Report and Reapportionment Plan", 1992, pages 21-24, for complete information. These four pages are reproduced here in their entirety starting on the next page.

Further, the 1991 Commission recommended that:

"The State Legislature consider proposing amendments to the constitution to provide for permissible population bases for reapportionment : (a) Total population is the only permissible population base for congressional districting; (b) The law is not as clear concerning the permissible bases for legislative districting. Consequently, the legislature needs to study the issue and draft an amendment that is either general, such as providing for a 'permissible population base', or, suggest the best permissible base for this state, keeping in mind the unavailability of certain data during the current reapportionment timeframe."

"1991 Reapportionment Commission Final Report and Reapportionment Plan", 1992, pages 43-44 (attached).

These two pages (43-44) are also reproduced here in their entirety starting on page 6.

CHAPTER III

THE LEGISLATIVE APPORTIONMENT BASE: PERMANENT RESIDENTS

A. DESCRIPTION OF THE BASE

The Commission decided upon a final legislative plan which was based upon a permanent resident population base. The population base was derived by using the April 1, 1991 census figures (from the 1990 census), with an adjustment to subtract the number of nonresident military personnel and dependents. The number of nonresident military personnel and their dependents was supplied by the Social Science Research Institute (SSRI) of the University of Hawaii. The Institute researched military personnel and financial records and conducted surveys, where necessary, to determine the residency of military personnel. Because the definition of "residency" varied from one military service to another, the Institute separated the residents from the nonresidents by determining in which state the military personnel paid state taxes. 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. The SSRI report submitted to the Commission is hereby incorporated in this report by reference.

See Chapter VI for a discussion on the congressional apportionment base and districting plan.

B. REASONS FOR CHOOSING PERMANENT RESIDENTS AS A POPULATION BASE

1. The Decision to Change Population Bases. The initial legislative district plan was based upon a population base of adult permanent residents, derived by subtracting minors and nonresident military and their dependents from the total population figures provided in the 1990 Census.

After hearing the oral testimony and reviewing the multitude of written testimony against the exclusion of minors from the population base, the Commission voted on July 3, 1991 to redraft the legislative plan to include minors. With Richard Clifton and Dr. Philip Hellreich dissenting, the Commission voted to redraw the maps based upon a permanent resident population base. The rationale for this change is discussed in detail below.

2. Final Population Base: Permanent Residents. There were several reasons that the Commission chose this population base for legislative reapportionment. The Commission considered three possible bases: Total population, based upon census figures; total population less transients (i.e., permanent residents) and total population less transients and minors (i.e., permanent residents less minors). The initial plan was based upon permanent residents less minors. However, the majority of the public testimony was against the exclusion of minors. Persuasive reasons given by the public for inclusion of minors in the population base included the fact a great part of the state government budget involves education so youth should be represented in government. In addition, several young persons testified against the exclusion of minors, arguing that it relegated minors to "second class" citizenship status, while other adults encouraged youth to participate in the political process and become actively involved in the community.

1991 Reapportionment Commission Final Report and Reapportionment Plan", 1992, page 21

With the response of the public in favor of a permanent resident base which included minors, the Commission reconsidered its choice of population bases on July 3, 1991 and the majority voted to add resident minors to the permanent resident base and redraw the legislative district maps. Other reasons given by the Commissioners in favor of the new base include:

a. Permanent residents is the base used in the last legislative reapportionment so there is historical support for the base and the public is comfortable with it.

b. The concept of family, "ohana", is very important in Hawaii. Exclusion of children from the population base is contrary to Hawaiian tradition.

c. The legislative base first chosen reduced the number of canoe districts. The Commissioners were optimistic that the permanent resident base could result in even fewer canoe districts, or canoe districts which better met some of the other criteria, such as preservation of communities and linking areas with similar socio-economic interests.

d. The Proceedings of the Constitutional Convention of Hawaii of 1968, Vol. I, p. 241, indicate that the drafters of Hawaii's constitution found resident population to be an acceptable base.

e. The focus of reapportionment is representation. Voting is merely one of a number of ways in which a person's right to be represented is manifested. The right to representation is a broader right of effective participation in, and relation to, the legislative process, including the right to petition the legislature, the right to bring one's needs to the attention of a particular legislator who has been elected in that district, and the right to be weighed in the composition of the legislature.

Those entitled to vote and those entitled to representation are not necessarily the same. The law recognizes both rights in examining the constitutionality of reapportionment plans. Thus, the Commission determined that there are groups of residents who should be counted, even though they cannot vote. Minors fall within this category.

f. Aliens cannot be excluded from the census block figures at this time so they must remain counted. OmniTrak Group Inc. analyzed the available data and determined that it would not be possible to determine the number of nonresident aliens in specific census voter blocks. In addition to the fact the data is not available, it would be illogical and unfair to count aliens, yet not count minors, when both groups of permanent residents need representation.

g. Legal counsel advised the Commission that there was no precedent holding that a permanent resident base could not be used for legislative reapportionment.

h. Some organizations testified that the exclusion of minors tended to underrepresent rural areas and certain ethnic groups, such as native Hawaiians. It was stated in testimony that certain ethnic groups and rural families tend to have more children and that

the use of a base which excluded children would be unfair to those areas and groups. Although the Commission did not have the data available to verify these observations, the Commission did not wish to submerge any ethnic lifestyle groups in choosing a particular base.

i. The permanent resident base was the best alternative available. In choosing the permanent resident base, the Commission made the decision to not use a total population base and to exclude transients. The decision to subtract the number of nonresidents from the legislative population base remained unchanged from the time the first proposal was drafted until the final plan was submitted to the Lieutenant Governor. The Commission finds that exclusion of transients is desirable, for the following reasons:

(I) The 1968 Constitutional Convention reasoned that total population as a legislative apportionment base is disfavored in Hawaii because it is a distorted reflection of Hawaii's residents, citizens, or eligible voters. Those same considerations still apply: The presence of large numbers of transients, primarily nonresident military, presents special population problems for legislative apportionment in Hawaii.

(II) If nonresidents are included, voters in certain districts which have a large transient population would have their votes "overweighed" beyond fairness and beyond the "one person, one vote" principle. It is not clear that the use of total population, while normally a favored base by federal courts, is legal in Hawaii where such large numbers of nonvoters are concentrated in certain areas.

(III) A large number of transients were counted in the census (estimated at at least 16%) and this large number could distort the size of certain districts, where the framers of our constitution desired a resident or citizen population base.

3. Computation of the permanent resident base: Exclusion of the large nonresident military population.

Having decided to eliminate transients from the legislative population base, experts were hired to determine which transients were counted in the census, how many there were and whether or not they could be located in specific census blocks.

OmniTrak Group Inc., a research firm, was consulted. It reported that the nonresident military is the only large, census-block-identifiable group of nonresidents included in the census. Other groups, such as nonresident students, are statistically insignificant and cannot be easily placed in specific census blocks. Therefore, the Commission decided to eliminate those transients which could be identified to a particular census block and which constituted the vast majority of transients included in the census counts: nonresident military.

The Commission finds that there are persuasive reasons to exclude nonresident military, as transients, from the population base for purposes of legislative reapportionment, in addition to the reasons already stated. Nonresident military constitute about 14% of the population of Hawaii. About 114,000 nonresident military and their families reside in this state, primarily on the Island of Oahu.

Military personnel have the choice of becoming Hawaii residents. H.R.S. 11-13 sets forth the law governing residency in this State for purposes of voting. The mere presence or absence of a serviceman in this State does not establish residency so the military are given the same opportunity to register to vote as any other person living in this State. Registration is simple and is accomplished by filling out a form stating one's permanent address is in Hawaii. Yet, historically, the overwhelming majority of the military population in Hawaii has demonstrated that they have no intention of becoming residents of this state. Only about 3% of the military stationed here choose to become Hawaii citizens. Some of the remaining military personnel are stationed onboard ships which happen to be in port on the census date, or live on base. While the military is an important and welcomed part of the Hawaiian community, most consider Hawaii a temporary home.

These factors, as well as the information gained from experts, leads the Commission to conclude that exclusion of nonresident military from the census data will come as close as possible to the desired permanent resident base for legislative reapportionment.

CHAPTER VII

RECOMMENDATIONS FOR THE FUTURE

The use of a reapportionment commission to accomplish this task remains relatively new to Hawaii, with this plan being only the fourth written by a Commission. Other Commissions have made suggestions for changes in the law and this Commission also feels compelled to do so. The reapportionment and redistricting of Hawaii's congressional and legislative districts is a formidable, complicated process which is of great significance to the State. Every attempt should be made to refine the process, not only because this Commission and its staff were required to work hundreds of hours of overtime in a few short months, but because of the importance of the end product. The Commission considers the reapportionment plan to be one of the most important documents to be drafted on behalf of the residents of this state and urge the people of this state, the legislature, the next Constitutional Convention and future reapportionment Commissions to give due consideration to the following recommendations for improvement of the process:

1. APPORTIONMENT BASES. Because of the presence of a large number of transients in Hawaii who are included in the federal census population and whose presence distorts the number of Hawaii's citizens, prior Constitutional Conventions did not adopt the census population as an appropriate apportionment base. The Commission agrees that the census (total) population is unsuitable for apportionment of legislative districts, for the reasons explained in Chapter III, yet points out that a registered voter base may not pass judicial scrutiny. Furthermore, it is clear, based upon Travis, supra, that a registered voter base is also not acceptable for apportionment of congressional districts.

Currently, the legislative apportionment base of permanent residents is equivalent to the population of citizens, with aliens not excluded. The Commission believes that it will greatly assist future Commissions if the constitution is amended to reflect a permissible population base, which is consistent with Hawaii's unique geographic and demographic needs, keeping in mind the availability of necessary data to compute that base.

The Commission is aware of the fact that amendments to the constitution were proposed on the November, 1990 ballot, including an amendment to the population base requirement. However, from listening to and reading the testimony of hundreds of Hawaii residents on the topic of population base, it became clear to the Commission that the public was not informed about the reapportionment process, leading to the conclusion that the proposed amendments did not pass because the people did not understand them. Another attempt at amending the constitution may prove fruitful in 1992, close on the heels of the reapportionment process.

RECOMMENDATION: That the State legislature consider proposing amendments to the Constitution to provide for permissible population bases for reapportionment: (a) Total population is the only permissible population base for

1991 Reapportionment Commission Final Report and Reapportionment Plan", 1992, page 43

congressional districting; (b) The law is not as clear concerning the permissible bases for legislative districting. Consequently, the legislature needs to study the issue and draft an amendment that is either general, such as providing for a "permissible population base", or, suggest the best permissible base for this state, keeping in mind the unavailability of certain data during the current reapportionment time frame.

2. EXPAND THE TIME PERIODS. The constitution and the statute set forth a very specific and short time period for each Commission to perform its duties. The Commission found the time periods to be inadequate to do the type of superior job it desired. The possible ways to draw the district lines are innumerable and each time an adjustment is made to correct one problem, many other lines need to be adjusted, which may create new problems. In order to be able to respond fully to the voices of the public, more than one set of hearings on more than one draft may be needed, yet the current time frame does not permit that type of exchange. Due to the importance of the plans, which the state must live with for 10 years, more time must be allotted to the process.

A similar issue which the Commission confronted was the requirement of completion by the end of July. The reason the time period set forth in the constitution and statute is premature is that the census figures are not provided until April, at least a month after the time period begins to run. Without the census figures, very little work can be accomplished by the Commission.

In addition, the census bureau decided on July 15, 1991, not to adjust the figures at this time but it remains uncertain whether or not legal challenges to this decision will prevail, or if adjustments and recounts will occur in the future. The possibility of receiving new data a few days before the plans were to be submitted to the Lieutenant Governor placed additional burdens on the staff, in anticipation of another redraft of the plans. Although the issue did not have an immediate effect on the reapportionment plans this year, it is unclear what effect the recount controversy will have on future reapportionments. A study of this issue and its effect on reapportionment is needed so that Hawaii can determine its position on the recount controversy and how a safety net can be built into the reapportionment process in case final census figures are not received in a timely manner.

The Commission is mindful of the fact that 1992 is an election year and many administrative functions must occur before the petitions can be circulated in January, 1992. The Commission feels that adding a couple of months to both the beginning and the end of the current process will allow future Commissions sufficient time to create a superior plan and also allow elections officials sufficient time to establish precincts and prepare for the next election.

RECOMMENDATION: That the State legislature propose amendments to the constitution and the statute which will (a) expand the time period for fulfillment of the reapportionment process to add at least 2 months to the beginning and the end of the process; (b) recommend to the Lieutenant Governor's office that a study be made of the

Reapportionment Population Base in Hawaii

1992 Constitutional Amendment

In 1992, a constitutional amendment was placed on the ballot. It 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?"

"Fact Sheet: Proposed Amendments to the Hawaii State Constitution to Appear on the 1992 General Election Ballot", 1992, Office of Elections

The amendment passed with 210,400 YES Votes (55.1%), 120,029 NO Votes (31.4%), 51,308 (13.4%) Blank Votes.

2001 Reapportionment Commission

The 2001 Reapportionment Commission report describes potential exclusions and gives the numbers (where available) for each potential exclusion. Here is the text from their report:

"The 2001 Reapportionment Commission looked at the permanent population base – potential exclusions as being:

• 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 files. 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 worked 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.

In the first proposed plan, the Commission approved of a "permanent resident" reapportionment population base that excluded non-resident military sponsors as well as non-resident students.

In the final plan, the Commission approved of a "permanent resident" reapportionment population base that excluded non-resident military sponsors and their dependents as well as non-resident students. In essence, the Commission used the same reapportionment base as the 1991 Reapportionment Commission.

"State of Hawaii 2001 Reapportionment Commission Final Report and Reapportionment, Office of Elections pages A-191 through A-193