Honolulu, Hawaii

FEB 0 4 2025

S.B. No. 1225 RE:

Honorable Ronald D. Kouchi President of the Senate Thirty-Third State Legislature Regular Session of 2025 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1225 entitled:

"A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE XVII, SECTION 3 OF THE HAWAII CONSTITUTION TO SPECIFY THAT THE STANDARD FOR VOTER APPROVAL OF A CONSTITUTIONAL AMENDMENT PROPOSED BY THE LEGISLATURE IS A MAJORITY OF ALL THE VOTES TALLIED UPON THE QUESTION,"

begs leave to report as follows:

The purpose and intent of this measure is to amend article XVII, section 3 of the Hawaii State Constitution regarding the standard of ratification of a constitutional amendment proposed by the Legislature to require that a majority of all the votes tallied upon the question be a "yes" vote, and not include blank, spoiled, and over votes in determining whether a majority was reached.

Your Committee received testimony in support of this measure from two individuals.

Your Committee received testimony in opposition to this measure from New Hope Maui and thirty-five individuals.

Your Committee finds that pursuant to the Hawaii State Constitution, the standard for passage of a proposed constitutional amendment is two-fold. First, a majority of voters must have voted "yes" on the proposed amendment question, based on



the majority of all the votes tallied upon the question requirement that appears in article XVII, section 2 of the Hawaii State Constitution. Second, this majority must also represent a majority of all votes cast in the election, based on that same section's requirement that the majority constitute at least fifty percent of the total vote cast at the election, meaning that all ballots that are validly returned are considered to have been cast. If a voter responded to the proposed amendment question by leaving the answer blank, spoiling the ballot, or over voting, the answer is counted as a "no" vote. Thus, when factoring all votes cast, the actual threshold for passage of a state constitutional amendment can be significantly higher than fifty percent of voters voting "yes" or "no" on the question. The constitutional amendment proposed by this measure will prevent confusion and avoid unintended results by the voter by only counting ballots that indicate a "no" vote on a constitutional amendment as "no".

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1225 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Respectfully submitted on behalf of the members of the Committee on Judiciary,

KARL RHOADS, Chair

The Senate Thirty-Third Legislature State of Hawai'i

Record of Votes Committee on Judiciary JDC

Bill / Resolution No.:*	Committee Referral:			Date:	
SB 1225	JDC, WAM			1/31/25	
The Committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recemmendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye /	Aye (WR)	Nay	Excused
RHOADS, Karl (C)					
GABBARD, Mike (VC)			V		
CHANG, Stanley		V _			
SAN BUENAVENTURA, Joy A.					
AWA, Brenton					V
		- :			
					<u> </u>
TOTAL		2	2		
Recommendation: Adopted Not Adopted					
Chair's pr Designed's Signature:					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

*Only one measure per Record of Votes