



1 governor at the general election preceding the filing of the  
 2 petition. The initiative petition shall be filed with the chief  
 3 election officer not later than ninety days prior to the general  
 4 election at which the initiative is to be submitted directly to  
 5 the people. All initiative measures shall have printed above  
 6 the title the following:

7 "INITIATIVE MEASURE TO BE  
 8 SUBMITTED DIRECTLY TO THE PEOPLE"

9 Each initiative measure shall embrace but one subject,  
 10 which shall be expressed in its title. The enacting clause  
 11 shall be:

12 "BE IT ENACTED BY THE PEOPLE  
 13 OF THE STATE OF HAWAII"

14 The initiative measure shall be enacted into law when  
 15 approved by a majority of votes counted for the measure. If two  
 16 or more conflicting initiative measures are approved by the  
 17 people at the same election, the measure receiving the highest  
 18 number of votes shall prevail.

19 No initiative measure that names any individual to hold any  
 20 office, or names or identifies any private corporation to  
 21 perform any function or to have any power or duty, shall be



1 submitted or have any effect. No initiative measure shall be  
2 submitted that pertains to land use issues.

3 An initiative measure proposing to prohibit a specific  
4 activity or to terminate an existing right or privilege shall be  
5 submitted to the people in such a form that they may vote in the  
6 affirmative if they favor the right to engage in the activity or  
7 continuance of the right or privilege.

8 No initiative measure shall be filed with the chief  
9 election officer that may be either similar or contrary in  
10 either form or essential substance to a bill already introduced  
11 into the legislature. If after the adjournment of the  
12 legislature sine die, a bill has not become law, or does not  
13 carry over, an initiative measure of either similar or contrary  
14 form may be filed with the chief election officer for submission  
15 to the people.

16 If, after an initiative request is made with the attorney  
17 general, any bill introduced into the legislature that may be  
18 contrary, as determined by the attorney general, in either form  
19 or essential substance to the initiative request is enacted into  
20 law, that law and that initiative measure shall be submitted to  
21 the people in order that they may choose between them, except as  
22 provided in the last sentence of this paragraph. The contrary



1 law shall remain in effect pending the general election ballot.  
2 The measure receiving the highest number of votes shall prevail.  
3 If the initiative measure is approved, the contrary law shall be  
4 void. If any law is enacted that is the same or similar to, and  
5 accomplishes the same purpose as an initiative measure, as  
6 determined by the attorney general, the chief election officer  
7 shall declare, by a public announcement, that the initiative  
8 measure is void and order it stricken from the ballot.

9 A defeated initiative measure shall not be resubmitted to  
10 the people by the initiative petition in either the same form or  
11 essential substance, as determined by the attorney general,  
12 either affirmatively or negatively, for a period of \_\_\_\_\_ years.

13 Prior to the circulation of any initiative petition for  
14 signatures, a copy shall be submitted to the attorney general  
15 who shall prepare a title and summary of the chief purpose and  
16 aim of the proposed measure.

17 All initiative petitions shall be submitted to the chief  
18 election officer for certification. Each sheet containing  
19 petitioners' signatures shall be attached to the title, summary,  
20 and text of the initiative petition. No laws shall be enacted  
21 limiting the number of copies of a petition that may be  
22 circulated. Any registered voter of this State shall be



1 competent to solicit signatures. The petition shall be signed  
2 by registered voters. All signers shall add their address as  
3 shown on their voter registration form and the date upon which  
4 they sign the petition. Every sheet of the petition containing  
5 signatures shall be verified by affidavit of the petition  
6 circulator that each name on the sheet was signed in the  
7 presence of the affiant and that, in the belief of the affiant,  
8 each signer is a registered voter of the State. The chief  
9 election officer shall certify that the signers are registered  
10 voters of the State.

11 The chief election officer shall not release any petition  
12 for inspection by the public or any governmental agency, except  
13 if the supreme court orders inspection of the petition when a  
14 question has been raised regarding the sufficiency of a  
15 petition. If any petition under this section has been  
16 determined to be insufficient, the petition shall be returned to  
17 the circulators within thirty days of its filing with the  
18 notations of specific insufficiencies.

19 Any measure under this section shall be presented to the  
20 people in such a form that a "yes" vote, on a yes or no ballot,  
21 shall indicate an affirmative vote for the measure as the  
22 measure is written.





1 date of a statute, a petition asking that the statute or part of  
2 it be submitted for a referendum.

3 A referendum measure shall be certified for placement on  
4 the ballot by the chief election officer upon the submission of  
5 a petition signed by registered voters of the State equal in  
6 number to at least ten per cent of the total number of voters  
7 who voted for the office of the governor in the last preceding  
8 general election for that office. That ten per cent shall  
9 include at least ten per cent of the total number of those  
10 voters in each of at least two counties of the State.

11 The referendum measure shall be phrased to require a "yes"  
12 or "no" response by the voter. The chief election officer shall  
13 submit the referendum measure at the next general election held  
14 at least thirty-one days after it is certified or at a special  
15 statewide election held prior to that general election. A  
16 referendum that is approved by a majority of voters shall take  
17 effect the day after the election, unless the measure provides  
18 otherwise. If a referendum is filed against a part of a  
19 statute, the remainder shall not be delayed from becoming  
20 effective.

21 **RECALL**



1        Section C. Every elected state officer may be removed from  
2 office by the electors entitled to vote for a successor of the  
3 incumbent, through the procedure and in the manner set forth in  
4 this section. This procedure shall be known as recall and is in  
5 addition to any other method of removal provided by law. This  
6 section is self-executing, but the legislature may enact  
7 legislation to facilitate its operation; provided that the  
8 legislation may not restrict or limit the provisions of this  
9 section or the powers reserved in this section.

10        A recall measure shall be submitted to the people for a  
11 recall vote with the signatures of registered voters of not less  
12 than twenty per cent of all votes cast for all candidates for  
13 the office subject to recall at the general election preceding  
14 the filing of the recall petition. In districts in which the  
15 people cast their votes for multiple representation in a  
16 particular office in that district, the total votes cast for all  
17 candidates for that office in the last general election shall be  
18 divided by the number of persons in that particular office to  
19 obtain the number of signatures needed. Only those registered  
20 voters who are entitled to cast votes for the officer named on  
21 the recall petition shall be qualified to sign the recall  
22 petition and to vote in the recall election. The recall



1 petition shall state the reason for the recall vote.  
2 Unresponsiveness to the needs of the officer's constituents  
3 shall be adequate reason for the recall of any elected state  
4 officer.

5 No recall petition shall be filed against any elected state  
6 officer unless the officer has served more than six months of  
7 the officer's term of office. No recall petition shall be filed  
8 within one year of a primary election in which an elected  
9 officer is required to seek nomination for reelection. If a  
10 recall petition is against an elected state officer whose term  
11 of office expires at a general election after a forthcoming  
12 primary election and the petition is filed no more than  
13 \_\_\_\_\_ days and not less than \_\_\_\_\_ days prior to the primary  
14 election, the chief election officer shall cause the recall  
15 measure to be submitted to the people at that general election.  
16 All other recall measures shall cause a recall special election  
17 to be proclaimed by the chief election officer between  
18 \_\_\_\_\_ and \_\_\_\_\_ days after the petition has been  
19 determined to be sufficient.

20 A recall shall be approved by the majority of the votes  
21 cast indicating "yes" or "no" thereon but not including blank



1 ballots. Any vacancy that may be created shall be filled as  
2 prescribed by law.

3 If a recall vote fails to recall the affected officer, the  
4 affected officer shall not be subject to another recall vote for  
5 the remainder of the term of office to which the officer was  
6 elected to serve.

7 Prior to the circulation of any recall petition for  
8 signature, a copy shall be submitted to the attorney general who  
9 shall prepare a title and summary of the chief purpose and aim  
10 of the proposed measure within seven business days.

11 All recall petitions shall be submitted for certification  
12 to the chief election officer. Every sheet of the petition  
13 containing signatures shall be attached to the title, summary,  
14 and text of the recall petition. No laws shall be enacted  
15 limiting the number of copies of a petition that may be  
16 circulated. Any registered voter of the State shall be  
17 competent to solicit signatures. No person circulating a  
18 petition shall be eligible to receive any compensation for  
19 services as a petition circulator. All signers shall add their  
20 address as shown on their voter registration form, their social  
21 security number, and the date upon which they signed the  
22 petition. When fewer than five thousand signatures are required



1 on a petition, the petition circulators shall have sixty days in  
2 which to obtain the required number of signatures of qualified  
3 voters; when between five thousand and ten thousand signatures  
4 are required, the petition circulators shall have ninety days;  
5 when between ten thousand and fifty thousand signatures are  
6 required, the petition circulators shall have one hundred twenty  
7 days; when between fifty thousand and one hundred thousand  
8 signatures are required, the petition circulators shall have one  
9 hundred sixty days; and when more than one hundred thousand  
10 signatures are required, the petition circulators shall have one  
11 hundred eighty days.

12 Every sheet of the petition containing signatures shall be  
13 verified by affidavit of the petition circulator that each name  
14 on the sheet was signed in the presence of the affiant and that,  
15 in the belief of the affiant, each signer is a registered voter  
16 of the State and, in the case of a recall petition so limited,  
17 of the affected district. The chief election officer shall  
18 certify that the signers are registered voters of the State and,  
19 in the case of a recall petition so limited, of the affected  
20 district.

21 The chief election officer shall not release a petition for  
22 inspection by the public or any governmental agency, except if



1 the supreme court orders inspection of the petition when a  
2 question has been raised regarding the sufficiency of the  
3 petition. If any petition under this section has been  
4 determined to be insufficient, the petition shall be returned to  
5 the circulators within sixty days of its filing with a statement  
6 of the specific insufficiencies. Petition circulators shall  
7 have additional time in which to correct the specific  
8 insufficiencies of a petition, in accordance with the provisions  
9 of this section governing the amount of time allowed to obtain  
10 petitioners' signatures.

11 Any measure under this section shall be presented to the  
12 people in such a form that a "yes" vote, on a yes or no ballot,  
13 shall indicate an affirmative vote for the measure as the  
14 measure is written.

15 The recall measure shall be effective, if approved, one day  
16 after the election results are announced, unless otherwise  
17 provided for in the measure.

18 The petitioners shall bear all costs of the preparation and  
19 circulation of the petition, except for the services performed  
20 by the attorney general under this section. After the petition  
21 has been filed with the chief election officer, all further  
22 costs shall be part of the usual expenditures of the State."



1 SECTION 3. Article III, section 1, of the Constitution of  
2 the State of Hawaii is amended to read as follows:

3 "LEGISLATIVE POWER

4 Section 1. [The] Except as provided in article II, section  
5 A, the legislative power of the State shall be vested in a  
6 legislature, which shall consist of two houses, a senate and a  
7 house of representatives[. ~~Such power~~], but the people reserve  
8 to themselves the powers of initiative and referendum as set  
9 forth in article II, sections A and B. The legislative power  
10 shall extend to all rightful subjects of legislation not  
11 inconsistent with this constitution or the Constitution of the  
12 United States."

13 SECTION 4. Article III, section 14, of the Constitution of  
14 the State of Hawaii is amended to read as follows:

15 "BILLS; ENACTMENT

16 Section 14. No law shall be passed by the legislature  
17 except by bill. Each law shall embrace but one subject, which  
18 shall be expressed in its title. The enacting clause of each  
19 law shall be, "Be it enacted by the legislature of the State of  
20 Hawaii"."

21 SECTION 5. Article XVII, section 1, of the Constitution of  
22 the State of Hawaii is amended to read as follows:



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**"METHODS OF PROPOSAL**

**Section 1.** Revisions of or amendments to this constitution may be proposed by constitutional convention or by the legislature[-] or by the people under article II, section A through the initiative process."

SECTION 6. Article XVII, section 4, of the Constitution of the State of Hawaii is amended to read as follows:

**"VETO**

**Section 4.** No proposal for amendment of the constitution adopted in either manner provided by this article or by article II, section A or B on initiative or referendum, shall be subject to veto by the governor."

SECTION 7. Article XVII, section 5, of the Constitution of the State of Hawaii is amended to read as follows:

**"CONFLICTING REVISIONS OR AMENDMENTS**

**Section 5.** If a revision or amendment proposed by a constitutional convention is in conflict with a revision or amendment proposed by the legislature and both are submitted to the electorate at the same election and both are approved, then the revision or amendment proposed by the convention shall prevail. If a revision or amendment proposed by the legislature is in conflict with the revision or amendment proposed by the



1 people under article II, section A, by initiative, and both are  
2 approved, then the revision or amendment proposed by initiative  
3 shall prevail. If conflicting revisions or amendments are  
4 proposed by the same body and are submitted to the electorate at  
5 the same election and both are approved, then the revision or  
6 amendment receiving the highest number of votes shall prevail."

7 SECTION 8. The question to be printed on the ballot shall  
8 be as follows:

9 "Shall the State Constitution be amended to provide for  
10 initiative, referendum, and recall?"

11 SECTION 9. In codifying the new sections added to article  
12 II of the Constitution of the State of Hawaii, by section 2 of  
13 this Act and any cross references thereto, the revisor of  
14 statutes shall substitute appropriate section numbers for the  
15 letters used in the new sections' designations in this Act.

16 SECTION 10. Constitutional material to be repealed is  
17 bracketed and stricken. New constitutional material is  
18 underscored.



1 SECTION 11. These amendments shall take effect upon  
 2 compliance with article XVII, section 3, of the Constitution of  
 3 the State of Hawaii.

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JAN 19 2007



**Report Title:**

Initiative; Referendum; Recall

**Description:**

Amends articles II, III, and XVII of the state constitution to provide for initiative, referendum, and recall.

