JAN 19 2007

A BILL FOR AN ACT

PROPOSING AMENDMENTS TO ARTICLES II, III, AND XVII OF THE CONSTITUTION OF THE STATE OF HAWAII TO PROVIDE FOR REFERENDUM.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

- 1 SECTION 1. The purpose of this Act is to propose amendments
- 2 to article II, article III and article XVII of the Constitution
- 3 of the State of Hawaii to provide for referendum. The
- 4 legislature finds that no method exists for referendum in Hawaii
- 5 and that this political mechanism is in the best interest of the
- 6 citizenry.
- 7 SECTION 2. Article II of the Constitution of the State of
- 8 Hawaii is amended by adding a new section to be appropriately
- 9 designated and to read:

10 "REFERENDUM

- 11 Section A. Referendum is the power of the people to approve
- 12 or reject statutes or parts of statutes, by ballot. Referendum
- 13 shall not be used to make or repeal any appropriation of public
- 14 funds, or to make, amend or repeal the levy of taxes nor shall
- 15 the referendum extend to any matter governed by collective
- 16 bargaining contracts.

1	A voter referendum may be proposed by presenting to the
2	chief election officer within ninety days after the enactment
3	date of a statute, a petition asking that the statute or part of
4	it be submitted for a referendum.
5	A referendum measure shall be certified for placement on
6	the ballot by the chief election officer upon the submission of
7	a petition signed by registered voters of the State equal in
8	number to at least ten percent of the total number of voters who
9	voted for the office of the governor in the last preceding
10	general election for that office. That ten percent shall include
11	at least ten percent of the total number of such voters in each
12	of at least two counties of the State.
13	The referendum measure shall be phrased to require a "yes"
14	or "no" response by the voter. The chief election officer shall
15	submit the referendum measure at the next general election held
16	at least thirty-one days after it is certified or at a special
17	statewide election held prior to that general election. A
18	referendum that is approved by a majority of voters shall take
19	effect the day after the election unless the measure provides
20	otherwise. If a referendum is filed against a part of a statute,
21	the remainder shall not be delayed from becoming effective."

- 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 legislative power of the State shall be
- 5 vested in a legislature, which shall consist of two houses, a
- 6 senate and a house of representatives [. Such power], but the
- 7 people reserve to themselves the powers of referendum as set
- 8 forth in article II, section A. The legislative power and
- 9 referendum power shall extend to all rightful subjects of
- 10 legislation not inconsistent with this constitution or the
- 11 Constitution of the United States."
- 12 SECTION 4. Article XVII, section 4, of the Constitution of
- 13 the State of Hawaii is amended to read as follows:
- 14 "VETO
- 15 Section 4. No proposal for amendment of the constitution
- 16 adopted in either manner provided by this article or by article
- 17 II, section A on referendum, shall be subject to veto by the
- 18 governor."
- 19 SECTION 5. The question to be printed on the ballot shall
- 20 be as follows:

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1	"Shall the State Constitution be amended to provide for
2	referendum, which is the power of the people to approve or
3	reject statutes or parts of statutes by ballot?"
4	SECTION 6. In codifying the new section added to article I
5	of the Constitution of the State of Hawaii, by section 2 of this
6	Act, the revisor of statutes shall substitute the appropriate
7	section number for the letter used in the new section
8	designation in this Act.
9	SECTION 7. Constitutional material to be repealed is
10	bracketed and stricken. New constitutional material is
11	underscored.
12	SECTION 8. This amendment shall take effect upon compliance
13	with article XVII, section 3, of the Constitution of the State
14	of Hawaii.
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Report Title:

Referendum

Description:

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