THE SENATE TWENTY-SIXTH LEGISLATURE, 2011 STATE OF HAWAII

S.B. NO. 1195

JAN 2 6 2011

A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE XVII OF THE CONSTITUTION OF THE STATE OF HAWAII.

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

SECTION 1. The purpose of this Act is to propose an
amendment to Article XVII of the Constitution of the State of
Hawaii to establish that only YES or NO votes will be counted
for purposes of determining whether the electorate has ratified
a proposed amendment to the constitution.

6 SECTION 2. Article XVII, section 2, of the Constitution of7 the State of Hawaii is amended to read as follows:

8

"CONSTITUTIONAL CONVENTION

9 Section 2. The legislature may submit to the electorate at 10 any general or special election the question, "Shall there be a 11 convention to propose a revision of or amendments to the 12 Constitution?" If any nine-year period shall elapse during 13 which the question shall not have been submitted, the lieutenant 14 governor shall certify the question, to be voted on at the first 15 general election following the expiration of such period.

16

ELECTION OF DELEGATES



1	If a majority of the ballots cast upon such a question be
2	in the affirmative, delegates to the convention shall be chosen
3	at the next regular election unless the legislature shall
4	provide for the election of delegates at a special election.
5	Notwithstanding any provision in this constitution to the
6	contrary, other than Section 3 of Article XVI, any qualified
7	voter of the district concerned shall be eligible to membership
8	in the convention.
9	The legislature shall provide for the number of delegates
10	to the convention, the areas from which they shall be elected
11	and the manner in which the convention shall convene. The
12	legislature shall also provide for the necessary facilities and
13	equipment for the convention. The convention shall have the
14	same powers and privileges, as nearly as practicable, as
15	provided for the convention of 1978.
16	MEETING
17	The constitutional convention shall convene not less than
18	five months prior to the next regularly scheduled general
19	election.
20	ORGANIZATION; PROCEDURE
21	The convention shall determine its own organization and
22	rules of procedure. It shall be the sole judge of the



1	elections, returns and qualifications of its members and, by a
2	two-thirds vote, may suspend or remove any member for cause.
3	The governor shall fill any vacancy by appointment of a
4	qualified voter from the district concerned.
5	RATIFICATION; APPROPRIATIONS
6	The convention shall provide for the time and manner in
7	which the proposed constitutional revision or amendments shall
8	be submitted to a vote of the electorate; provided that each
9	amendment shall be submitted in the form of a question embracing
10	but one subject; and provided further, that each question shall
11	have designated spaces to mark YES or NO on the amendment.
12	At least thirty days prior to the submission of any
13	proposed revision or amendments, the convention shall make
14	available for public inspection, a full text of the proposed
15	amendments. Every public library, office of the clerk of each
16	county, and the chief election officer shall be provided such
17	texts and shall make them available for public inspection. The
18	full text of any proposed revision or amendments shall also be
19	made available for inspection at every polling place on the day
20	of the election at which such revision or amendments are
21	submitted.



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1	The convention shall, as provided by law, be responsible
2	for a program of voter education concerning each proposed
3	revision or amendment to be submitted to the electorate.
4	The revision or amendments shall be effective only if
5	approved at a general election by a majority of all the votes
6	[tallied] cast upon the question, [this majority constituting at
7	least fifty percent of the total vote cast at the election,] or
8	at a special election by a majority of all the votes [tallied]
9	cast upon the question, this special election majority
10	constituting at least thirty per cent of the total number of
11	registered voters. Only ballots that are voted either YES or NO
12	shall be tallied as votes cast upon the question.
13	The provisions of this section shall be self-executing, but
14	the legislature shall make the necessary appropriations and may
15	enact legislation to facilitate their operation."
16	SECTION 3. The question to be printed on the ballot shall
17	be as follows:
18	"Shall the Constitution of the State of Hawaii be amended
19	to provide that only ballots that are voted either YES or NO
20	shall be counted in determining whether a proposed
21	constitutional amendment has been adopted?"

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1	SECTION 4. Constitutional material to be repealed is
2	bracketed and stricken. New constitutional material is
3	underscored.
4	SECTION 5. This amendment shall take effect upon
5	compliance with Article XVII, section 3, of the Constitution of
6	the State of Hawaii.
7	
8	INFORMATION IN MAN DEC
	INTRODUCED BY:



Report Title:

Constitutional amendment; vote count; proposed amendments

Description:

Prohibits the counting of blank votes and overvotes in determining whether a proposed constitutional amendment has been ratified.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

