#### THE SENATE TWENTY-SIXTH LEGISLATURE, 2011 STATE OF HAWAII

## **S.B. NO.** <sup>1195</sup> S.D. 1

# 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:

1 SECTION 1. The purpose of this Act is to propose an 2 amendment to article XVII of the Constitution of the State of Hawaii to require the affirmative vote of at least fifty percent 3 of ballots that are voted either YES or NO (which do not include 4 5 blank votes) at a general or special election and forty percent of all ballots that are voted at a general election (which do 6 include blank votes) for the ratification of a proposed 7 8 constitutional amendment. 9 SECTION 2. Article XVII, section 2, of the Constitution of the State of Hawaii is amended to read as follows: 10 "CONSTITUTIONAL CONVENTION 11 Section 2. The legislature may submit to the electorate at 12 13 any general or special election the question, "Shall there be a 14 convention to propose a revision of or amendments to the Constitution?" If any nine-year period shall elapse during 15

16 which the question shall not have been submitted, the lieutenant

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



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1 ORGANIZATION; PROCEDURE 2 The convention shall determine its own organization and rules of procedure. It shall be the sole judge of the 3 elections, returns and qualifications of its members and, by a 4 5 two-thirds vote, may suspend or remove any member for cause. 6 The governor shall fill any vacancy by appointment of a qualified voter from the district concerned. 7 RATIFICATION; APPROPRIATIONS 8 9 The convention shall provide for the time and manner in 10 which the proposed constitutional revision or amendments shall 11 be submitted to a vote of the electorate; provided that each amendment shall be submitted in the form of a question embracing 12 13 but one subject; and provided further, that each question shall have designated spaces to mark YES or NO on the amendment. 14 At least thirty days prior to the submission of any 15 proposed revision or amendments, the convention shall make 16 17 available for public inspection, a full text of the proposed amendments. Every public library, office of the clerk of each 18 county, and the chief election officer shall be provided such 19 texts and shall make them available for public inspection. The 20 full text of any proposed revision or amendments shall also be 21 made available for inspection at every polling place on the day 22



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of the election at which such revision or amendments are
submitted.

The convention shall, as provided by law, be responsible 3 4 for a program of voter education concerning each proposed 5 revision or amendment to be submitted to the electorate. 6 The revision or amendments shall be effective only if approved at a general election by a majority of all the votes 7 8 [tallied] cast upon the question, this majority constituting at least [fifty per cent] forty percent of the total vote cast at 9 10 the election  $[\tau]$ ; or at a special election by a majority of all 11 the votes [tallied] cast upon the question, this majority 12 constituting at least thirty [per cent] percent of the total 13 number of registered voters. Only ballots that are voted either YES or NO shall be tallied as votes cast upon the question; all 14 15 ballots that are voted, including blank votes, shall be tallied

16 as votes cast at the election.

17 The provisions of this section shall be self-executing, but 18 the legislature shall make the necessary appropriations and may 19 enact legislation to facilitate their operation."

20 SECTION 3. The question to be printed on the ballot shall21 be as follows:



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1	"Shall the Constitution of the State of Hawaii be
2	amended to provide that the ratification of a proposed
3	constitutional amendment shall require the affirmative vote
4	of at least fifty percent of ballots that are voted either
5	YES or NO (which do not include blank votes) at a general
6	or special election and forty percent of all ballots that
7	are voted at a general election (which do include blank
8	votes)?"
9	SECTION 4. Constitutional material to be repealed is
10	bracketed and stricken. New constitutional material is
11	underscored.
12	SECTION 5. This amendment shall take effect upon
13	compliance with article XVII, section 3, of the Constitution of
14	the State of Hawaii.

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#### Report Title:

Constitutional Amendment; Vote Count; Proposed Amendments

#### Description:

Requires the affirmative vote of at least fifty percent of ballots that are voted either YES or NO (which do not include blank votes) and at least forty percent of all ballots that are voted at a general election (which do include blank votes) or an affirmative vote of a majority of ballots that are voted either YES or NO, which must constitute at least thirty percent of the total number of registered voters at a special election for the adoption of a proposed constitutional amendment. (SD1)

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