

JAN 27 2016

A BILL FOR AN ACT

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

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

1 SECTION 1. The purpose of this Act is to propose
2 amendments to articles II, III, and XVII of the Constitution of
3 the State of Hawaii to provide for direct initiative.

4 SECTION 2. Article II of the Constitution of the State of
5 Hawaii is amended by adding a new section to be appropriately
6 designated and to read as follows:

7 "INITIATIVE

8 Section . The initiative power is reserved to the
9 people. An initiative measure shall be submitted to the people
10 by presenting to the chief election officer a petition
11 containing the signatures of registered voters equaling not less
12 than ten per cent of the total number of voters who voted for
13 the office of the governor in the last preceding general
14 election for that office. The initiative petition shall be
15 filed with the chief election officer no later than ninety days
16 prior to the general election at which the initiative is to be



1 submitted directly to the people. All initiative measures shall
2 have printed above the title the following:

3 "INITIATIVE MEASURE TO BE
4 SUBMITTED DIRECTLY TO THE PEOPLE".

5 Each initiative measure shall embrace but one subject,
6 which shall be expressed in its title. The enacting clause
7 shall be:

8 "BE IT ENACTED BY THE PEOPLE
9 OF THE STATE OF HAWAII".

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

15 No initiative measure that names any individual to hold any
16 office, or names or identifies any private corporation to
17 perform any function or to have any power or duty, shall be
18 submitted or have any effect. No initiative measure shall be
19 submitted that compromises or potentially compromises public
20 health or public safety. No initiative measure shall be
21 submitted that pertains to a specific state budget item.



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

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

15 If, after an initiative request is made with the attorney
16 general, any bill introduced into the legislature that may be
17 contrary, as determined by the attorney general, in form or
18 essential substance to the initiative request is enacted into
19 law or adopted to propose an amendment to this constitution,
20 that law or proposed amendment and that initiative measure shall
21 be submitted to the people in order that they may choose between



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

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

15 Prior to the circulation of any initiative petition for
16 signatures, a copy shall be submitted to the attorney general
17 who shall prepare a title and summary of the chief purpose and
18 aim of the proposed measure, as well as a clear explanation
19 written in plain language of the legal effect of a "yes" vote or
20 "no" vote.



1 All initiative petitions shall be submitted to the chief
2 election officer for certification. Each sheet containing
3 petitioners' signatures shall be attached to the title, summary,
4 and text of the initiative petition. No laws shall be enacted
5 limiting the number of copies of a petition that may be
6 circulated. Any registered voter of the State shall be
7 competent to solicit signatures. The petition shall be signed
8 by registered voters. All signers shall add their address as
9 shown on their voter registration form and the date upon which
10 they sign the petition. Every sheet of the petition containing
11 signatures shall be verified by affidavit of the petition
12 circulator that each name on the sheet was signed in the
13 presence of the affiant and that, in the belief of the affiant,
14 each signer is a registered voter of the State. The chief
15 election officer shall certify that the signers are registered
16 voters of the State.

17 The chief election officer shall not release any petition
18 for inspection by the public or any governmental agency, except
19 if the supreme court orders inspection of the petition when a
20 question has been raised regarding the sufficiency of a
21 petition. If any petition under this section has been



1 determined to be insufficient, the petition shall be returned to
2 the circulators within thirty days of its filing with the
3 notations of specific insufficiencies.

4 An initiative shall be presented to the people in such a
5 form that a "yes" vote, on a yes or no ballot, shall indicate an
6 affirmative vote for the measure as the measure is written.

7 The initiative measure shall be effective, if approved, one
8 day after the election results are announced, unless otherwise
9 provided for in the measure.

10 The veto power of the governor shall not extend to
11 initiative measures approved by the people. No measure enacted
12 by the people shall be repealed or amended by the legislature
13 without a two-thirds vote and unless five years have passed from
14 the effective date of the initiative, unless otherwise provided
15 in the measure; provided that the people may amend an initiative
16 at any time.

17 The petitioners shall bear all cost of the preparation and
18 circulation of the petition, except for the services performed
19 by the attorney general under this section. After the petition
20 has been filed with the chief election officer, all further
21 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 , 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~~], except that the people
8 reserve to themselves the power of initiative as set forth in
9 Article II, Section . The legislative power shall extend to
10 all rightful subjects of legislation not inconsistent with this
11 constitution or the Constitution of the United States."

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

14 **"BILLS; ENACTMENT**

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

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



1 "METHODS OF PROPOSAL

2 Section 1. Revisions of or amendments to this constitution
3 may be proposed by constitutional convention or by the
4 legislature[-] or by the people under Article II, Section ,
5 through the initiative process."

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

8 "VETO

9 Section 4. No proposal for amendment of the constitution
10 adopted in either manner provided by this article or by Article
11 II, Section , shall be subject to veto by the governor."

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

14 "CONFLICTING REVISIONS OR AMENDMENTS

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



1 people under Article II, Section , 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?"

11 SECTION 9. Constitutional material to be repealed is
12 bracketed and stricken. New constitutional material is
13 underscored.

14 SECTION 10. This amendment shall take effect upon
15 compliance with article XVII, section 3, of the Constitution of
16 the State of Hawaii.

17
INTRODUCED BY:

Rosa E. Rold
Diana Tuck
Michael



S.B. NO. 2754

Report Title:

Initiative; Proposed Constitutional Amendment

Description:

Proposes amendments to the state constitution to provide for direct initiative.

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