

JAN 24 2018

A BILL FOR AN ACT

RELATING TO ENABLING LEGISLATION BY THE PEOPLE.

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

1 SECTION 1. Chapter 11, Hawaii Revised Statutes, is amended
2 by adding a new part to be appropriately designated and to read
3 as follows:

4 **"PART . INITIATIVE**

5 **§11- Initiative.** (a) A statutory amendment may be
6 proposed by an initiative petition, containing the signatures of
7 registered voters equaling not less than ten per cent of the
8 total number of voters who voted for the office of the governor
9 in the last preceding general election for that office.

10 (b) The petition shall include the voter's signature, the
11 voter's printed name, residence address, last four digits of the
12 petitioner's social security number, and the date of signing.
13 Signatures may be on separate sheets, but each sheet shall have
14 appended to it the affidavit of a person, not necessarily a
15 signer of the petition, that, to the best of the affiant's
16 knowledge and belief, the persons whose signatures appear on the
17 sheet are duly registered voters of the State, that they signed



1 with full knowledge of the contents of the petition, and that
2 their residences are correctly given.

3 (c) No entity or agent shall circulate or cause to be
4 circulated a petition for initiative in lieu of or on behalf of
5 any voter. The petitioners shall bear all costs of the
6 preparation and circulation of the petition, except for the
7 services performed by the attorney general under this section.
8 Any person who pays all or part of the cost of the preparation
9 and circulation of the petition shall be clearly identified on
10 the petition as a financial sponsor and their name and address
11 shall be included on the petition. All petitions, including the
12 name and address of each person who signed the petition, are
13 public records, and shall be made available for public
14 inspection on the elections commission's website in a searchable
15 database.

16 (d) The petition shall set forth a measure for the
17 proposed statutory amendment that shall be attached and made a
18 part of the petition; provided that a copy of the proposed
19 statutory amendment shall first be submitted to the attorney
20 general who shall review and revise the petition as necessary;
21 provided that the attorney general shall not substantially alter



1 the intent of the language and shall approve the petition to
2 ensure that the petition is legally and technically sufficient.

3 The attorney general shall also review each proposed
4 statutory amendment, and shall reject any petition whose sole
5 purpose is:

6 (1) To change the state budget;

7 (2) To add, change, or delete any one or more, budget
8 items;

9 (3) To add, change, or delete any tax rate, credit,
10 deduction, exemption, or other tax provision as
11 contained in title 14; or

12 (4) Any combination of these.

13 (e) Upon filing of the petition with the chief election
14 officer, the chief election officer shall examine it to see
15 whether it contains a sufficient number of apparently genuine
16 signatures of duly registered voters. The chief election
17 officer may question the genuineness of any signature or
18 signatures appearing on the petition, and if the chief election
19 officer finds that any such signature or signatures are not
20 genuine, the chief election officer, after public disclosure of



1 the signatures in question, shall disregard them in determining
2 whether the petition contains a sufficient number of signatures.

3 The chief election officer shall eliminate any sheet of the
4 petition that is not accompanied by the required affidavit. The
5 invalidity of any sheet shall not affect the validity of the
6 petition if a sufficient number of signatures remains after
7 eliminating such invalid sheet. The chief election officer
8 shall complete the examination of the petition within twenty
9 working days after the date of filing.

10 A final determination as to the sufficiency or validity of
11 the petition shall be subject to court review.

12 (f) The proposed initiative, after approval by the
13 attorney general, shall be filed with the office of elections at
14 least ninety days prior to the general election. The proposed
15 initiative shall be submitted to voters at the next general
16 election.

17 (g) Any proposed statutory amendment that is approved by
18 the majority of voters voting thereon shall be deemed enacted,
19 and shall become effective ten days after certification of the
20 results of the election. In the event that two or more proposed
21 statutory amendments conflict with each other in whole or in



1 part and each is approved by a majority of the voters voting
2 thereon, the proposed amendment receiving the highest number of
3 votes shall be adopted and shall take effect as aforesaid.

4 (h) A statutory amendment that is deemed enacted by
5 initiative shall not be subject to veto, notwithstanding article
6 III, section 16, of the Hawaii State Constitution.

7 (i) The elections commission shall adopt rules under
8 chapter 91 for the purposes of this section."

9 SECTION 2. Section 11-1, Hawaii Revised Statutes, is
10 amended by adding a new definition to be appropriately inserted
11 and to read as follows:

12 "Initiative" means a direct ballot initiative to amend the
13 law as provided for by this chapter."

14 SECTION 3. Section 11-2, Hawaii Revised Statutes, is
15 amended by amending subsection (a) to read as follows:

16 "(a) The chief election officer shall supervise all state
17 elections[~~-~~] and initiatives. The chief election officer may
18 delegate responsibilities in state elections and initiatives
19 within a county to the clerk of that county or to other
20 specified persons."



S.B. NO. 2725

1 SECTION 4. Section 11-3, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§11-3 Application of chapter. This chapter shall apply
4 to all elections, primary, special primary, general, special
5 general, special, or county, held in the State, under all voting
6 systems used within the State, so far as applicable and not
7 inconsistent herewith. This chapter shall also apply to all
8 initiatives held or proposed in the State."

9 SECTION 5. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 6. This amendment shall take effect upon its
12 approval and upon ratification of a constitutional amendment
13 enabling direct initiative.

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S.B. NO. 2725

Report Title:

Initiative; Enabling Legislation

Description:

Provides for initiative procedures. Takes effect upon ratification of a constitutional amendment enabling direct initiative.

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

