

MAR 09 2018

SENATE CONCURRENT RESOLUTION

REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO DEVELOP A
FRAMEWORK FOR A POTENTIAL CONSTITUTIONAL CONVENTION.

1 WHEREAS, pursuant to article XVII, section 2, of the Hawaii
2 State Constitution:

3
4 (1) The Legislature may submit to the electorate at any
5 general or special election the question, "Shall there
6 be a convention to propose a revision of or amendments
7 to the Constitution?"; and

8
9 (2) If any nine-year period elapses during which the
10 question has not been submitted, the Lieutenant
11 Governor must certify the question, to be voted on at
12 the first general election following the expiration of
13 such period; and

14
15 (3) If a majority of the ballots cast upon such a question
16 are in the affirmative, delegates to the convention
17 shall be chosen at the next regular election unless
18 the Legislature provides for the election of delegates
19 at a special election; and

20
21 WHEREAS, the last time the question of whether to convene a
22 constitutional convention was placed on the ballot was 2008, and
23 the electorate voted against convening a constitutional
24 convention; and

25
26 WHEREAS, since at least nine years have elapsed since the
27 question was last submitted, the electorate will vote at the
28 November 6, 2018, general election on whether to convene a
29 constitutional convention to propose a revision of or amendments
30 to the state constitution; and

31
32 WHEREAS, if a majority of the ballots cast upon such a
33 question are in the affirmative, delegates to the convention are



1 to be chosen at the 2020 General Election unless the Legislature
2 provides for the election of delegates at a special election;
3 and
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5 WHEREAS, the last constitutional convention was held forty
6 years ago, in 1978; and
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8 WHEREAS, the 1978 Constitutional Convention was held
9 pursuant to the relevant constitutional provisions; Act 2,
10 Session Laws of Hawaii 1976, which provided for submission of
11 the ballot question of whether to hold the constitutional
12 convention; and Act 17, Special Session Laws of Hawaii 1977,
13 which provided for a special election of constitutional
14 convention delegates held on May 20, 1978, and included
15 operational specifications and requirements such as machinery
16 for the election of delegates, delegates' compensation and other
17 expenses, an update of the Constitutional Convention Studies,
18 submission of the convention's work, and other convention
19 preparations; and
20

21 WHEREAS, good governance, campaign finance, and open record
22 laws have been enacted by the Legislature since the 1978
23 Constitutional Convention; and
24

25 WHEREAS, modern technology has drastically improved the way
26 individuals research and share information, conduct business,
27 and communicate with one another; and
28

29 WHEREAS, pursuant to article XVII, section 2, of the Hawaii
30 State Constitution, the Legislature is required to provide for
31 the number of delegates to the convention, the areas from which
32 they shall be elected, and the manner in which the convention
33 shall convene, as well as the necessary facilities and equipment
34 for the convention; and
35

36 WHEREAS, also pursuant to article XVII, section 2, of the
37 Hawaii State Constitution, a constitutional convention is
38 required to have the same powers and privileges, as nearly as
39 practicable, as provided for the 1978 Constitutional Convention;
40 and
41



1 WHEREAS, prior to the 1978 Constitutional Convention, the
2 Legislature provided a framework for the convention and, through
3 Act 17, Special Session Laws of Hawaii 1977, appropriated
4 \$72,000 for the Legislative Reference Bureau to update the
5 Constitutional Convention Studies in preparation for the 1978
6 Constitutional Convention; and
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8 WHEREAS, the Hawaii Constitutional Convention Studies 1978,
9 published by the Legislative Reference Bureau in May 1978,
10 provided a thorough examination of the scope and limitations of
11 the State's constitutional conventions; election, eligibility,
12 disqualification, and ethical obligations of delegates;
13 convention organization and daily procedures; and process of
14 drafting and ratifying amendments to the state constitution; and
15

16 WHEREAS, given the four decades that have elapsed since the
17 last constitutional convention and the many changes to good
18 governance, campaign finance, and open record laws and the
19 conduct of business that have occurred during that time, this
20 body recognizes the opportunity to establish an improved
21 framework for a potential constitutional convention that retains
22 many of the same powers and privileges provided for the 1978
23 Constitutional Convention but does not merely duplicate the
24 framework of previous constitutional conventions; and
25

26 WHEREAS, this body finds that a framework for a potential
27 constitutional convention that considers constitutional
28 convention proceedings and studies of the past and opportunities
29 for cost savings, improved proceedings, and protection of the
30 best interests of the State in any resultant constitutional
31 amendments, would be informative to voters as they consider
32 whether to support a potential constitutional convention; now,
33 therefore,
34

35 BE IT RESOLVED by the Senate of the Twenty-ninth
36 Legislature of the State of Hawaii, Regular Session of 2018, the
37 House of Representatives concurring, that the Legislative
38 Reference Bureau is requested to develop a recommended framework
39 for a potential constitutional convention; and
40

41 BE IT FURTHER RESOLVED that the Legislative Reference
42 Bureau is requested to use the state constitution, 1978



1 Constitutional Convention, and other constitutional convention
2 proceedings and studies as models for a framework for a
3 potential constitutional convention; and
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5 BE IT FURTHER RESOLVED that the Legislative Reference
6 Bureau is requested to include the following within the
7 framework for a potential constitutional convention:
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9 (1) The applicability of existing and desirable good
10 governance, campaign finance, and open records laws
11 and the agencies that implement such laws, including
12 but not limited to:
13

14 (A) The existing requirement for constitutional
15 convention delegates to adhere to the code of
16 ethics adopted by the constitutional convention;
17 and
18

19 (B) A prohibition on any campaign contributions from
20 persons who are not residents of the State;
21

22 (2) Geographic distribution of candidates based on current
23 district apportionment;
24

25 (3) The applicability of the Sunshine Law to
26 constitutional convention meetings;
27

28 (4) The availability of Internet and modern technology to
29 stream meetings and the potential use of current
30 applications to enable people from the neighbor
31 islands to testify via computer; and
32

33 (5) Existing resources to reduce costs, including use of
34 the State Capitol meeting rooms and auditorium,
35 Legislative Reference Bureau, and other support staff,
36 if the constitutional convention is held during the
37 legislative interim; and
38

39 BE IT FURTHER RESOLVED that the Legislative Reference
40 Bureau is also requested to:
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- 1 (1) Summarize how amendments have the potential to make
2 substantive and procedural changes to the state
3 constitution, including methods for making any changes
4 to procedures for electing delegates;
5
- 6 (2) Summarize how the 1978 Constitutional Convention
7 operated, including:
8
 - 9 (A) The eligibility criteria to be a delegate, the
10 election process for delegates, the number of
11 delegates who attended, and whether there was a
12 geographic distribution of delegate seats that
13 ensured statewide representation;
14
 - 15 (B) The process and location of meetings and the
16 length of time the constitutional convention
17 operated;
18
 - 19 (C) The means by which the delegates drafted and
20 selected the questions to be placed on the 1978
21 General Election ballot for ratification;
22
 - 23 (D) The list of questions on the ballot and the
24 questions voted for and against by the
25 electorate; and
26
 - 27 (E) The voter turnout on the constitutional
28 convention amendments in the 1978 General
29 Election; and
30
- 31 (3) The operational cost of convening the 1978
32 Constitutional Convention and a projected cost of
33 convening a constitutional convention in 2020
34 adjusting for inflation using the Consumer Price
35 Index; and
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37 BE IT FURTHER RESOLVED that the Legislative Reference
38 Bureau is requested to submit a report of the recommended
39 framework for a proposed constitutional convention to the
40 Legislature no later than October 1, 2018; and
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S.C.R. NO. 132

1 BE IT FURTHER RESOLVED that a certified copy of this
2 Concurrent Resolution be transmitted to the Director of the
3 Legislative Reference Bureau.
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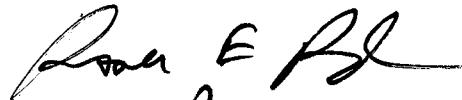
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