STAND. COM. REP. NO. 🏞

Honolulu, Hawaii

MAR 1 3 2020

RE: H.B. No. 2549 S.D. 1

Honorable Ronald D. Kouchi President of the Senate Thirtieth State Legislature Regular Session of 2020 State of Hawaii

Are.

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2549 entitled:

"A BILL FOR AN ACT RELATING TO CONSTITUTIONAL AMENDMENTS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- Require the language and meaning of a constitutional amendment and a constitutional ratification question to be simple, concise, and direct;
- (2) Allow the presiding officers of the Legislature to request a written opinion of the Hawaii Supreme Court regarding the legality of a proposed amendment to the Hawaii State Constitution and the corresponding constitutional ratification question and require the court to provide a written opinion within forty-eight hours of receipt of the request; and
- (3) Require, for any written opinion by the court that invalidates a constitutional ratification question, a detailed and specific explanation of the reasons for this opinion and prohibit any appeal of the written opinion.



STAND. COM. REP. NO. 3404

Your Committee received testimony in support of this measure from the League of Women Voters of Hawaii. Your Committee received comments on this measure from the Judiciary and Common Cause Hawaii.

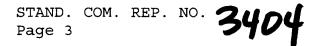
Your Committee finds that voters often struggle to understand the legal vocabulary used in the wording of ballot proposals. Clear statements of a proposed constitutional amendment and a constitutional ratification question are important to voters' ability to understand the proposed amendment and make an informed decision. This measure will facilitate voter understanding of proposed amendments to the state constitution by requiring constitutional amendments and constitutional ratification questions to be simple, concise, and direct. Furthermore, this measure will ensure that decision-makers offer appropriately phrased ballot questions by allowing the presiding officers of the Legislature to request a written opinion of the Supreme Court regarding the legality of a proposed amendment to the Hawaii State Constitution and the corresponding constitutional ratification

Your Committee has amended this measure by:

- Requiring language and meaning of a constitutional amendment and a constitutional ratification question to be as simple, concise, and direct as possible considering the complexity of the subject matter;
- (2) Extending the time frame in which the Supreme Court must render and deliver a written opinion from within fortyeight hours to within fourteen days of receipt of a written request for a written opinion;
- (3) Deleting language that would have required any written opinion that invalidates the constitutional ratification question to include detailed and specific explanation of the reasons for invalidation; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your





Committee is in accord with the intent and purpose of H.B. No. 2549, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2549, S.D. 1, and be referred to your Committee on Ways and Means.

> Respectfully submitted on behalf of the members of the Committee on Judiciary,

KARL RHOADS, Chair



The Senate Thirtieth Legislature State of Hawai[•]i

Record of Votes Committee on Judiciary JDC

Bill / Resolution No.:*	Committee	Referral:	Da	ite:	
HB 2549	JDC,	WAM		2/10/2	20
The Committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended A Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)		1			
KEOHOKALOLE, Jarrett (VC)					
GABBARD, Mike		1			
KIM, Donna Mercado		1			
FEVELLA, Kurt					
			· · · · ·		
TOTAL		4			(
Recommendation:	l	· · ·	1	l	· · · · · · · · · · · · · · · · · · ·
Adopted			Not Adopted		
Chair's or Designee's Signature:					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

*Only one measure per Record of Votes