

STAND. COM. REP. NO.

27

Honolulu, Hawaii

FEB 04 2025

RE: S.B. No. 1225

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1225 entitled:

"A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE XVII, SECTION 3 OF THE HAWAII CONSTITUTION TO SPECIFY THAT THE STANDARD FOR VOTER APPROVAL OF A CONSTITUTIONAL AMENDMENT PROPOSED BY THE LEGISLATURE IS A MAJORITY OF ALL THE VOTES TALLIED UPON THE QUESTION,"

begs leave to report as follows:

The purpose and intent of this measure is to amend article XVII, section 3 of the Hawaii State Constitution regarding the standard of ratification of a constitutional amendment proposed by the Legislature to require that a majority of all the votes tallied upon the question be a "yes" vote, and not include blank, spoiled, and over votes in determining whether a majority was reached.

Your Committee received testimony in support of this measure from two individuals.

Your Committee received testimony in opposition to this measure from New Hope Maui and thirty-five individuals.

Your Committee finds that pursuant to the Hawaii State Constitution, the standard for passage of a proposed constitutional amendment is two-fold. First, a majority of voters must have voted "yes" on the proposed amendment question, based on



the majority of all the votes tallied upon the question requirement that appears in article XVII, section 2 of the Hawaii State Constitution. Second, this majority must also represent a majority of all votes cast in the election, based on that same section's requirement that the majority constitute at least fifty percent of the total vote cast at the election, meaning that all ballots that are validly returned are considered to have been cast. If a voter responded to the proposed amendment question by leaving the answer blank, spoiling the ballot, or over voting, the answer is counted as a "no" vote. Thus, when factoring all votes cast, the actual threshold for passage of a state constitutional amendment can be significantly higher than fifty percent of voters voting "yes" or "no" on the question. The constitutional amendment proposed by this measure will prevent confusion and avoid unintended results by the voter by only counting ballots that indicate a "no" vote on a constitutional amendment as "no".

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 S.B. No. 1225 and recommends that it pass Second Reading 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



