

JAN 23 2026

A BILL FOR AN ACT

PROPOSING AMENDMENTS TO ARTICLES II, III, AND XVII OF THE HAWAII STATE CONSTITUTION TO PROVIDE THE ELECTORATE WITH THE POWER OF 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 Hawaii State
3 Constitution to provide the electorate of the State with the
4 power to propose statutory and constitutional amendments by
5 initiative and to approve or reject those amendments by ballot,
6 as provided by law.

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

"INITIATIVE

11 Section . The initiative power is reserved to the
12 people. Voters shall have the power, as provided by law, to
13 propose statutory amendments and amendments to this constitution
14 by submitting an initiative petition to the chief election
15 officer. The initiative petition shall include an initiative
16 measure that sets forth the full text of the proposed amendment



1 and shall be certified by the signatures of more than ten
2 percent of the electors who voted in the State's most recent
3 gubernatorial election. The initiative petition shall be filed
4 with the chief election officer no later than ninety days before
5 the general election at which the initiative measure is to be
6 submitted to the electorate.

7 Each initiative measure shall embrace but one subject,
8 which shall be expressed in its title. The enacting clause of
9 an initiative measure shall be, "Be it enacted by the people of
10 the State of Hawaii."

11 No initiative measure that names any individual to hold any
12 office shall be submitted or have any effect. No initiative
13 measure that names or identifies any private corporation to
14 perform any function or to have any power or duty shall be
15 submitted or have any effect. No initiative measure that
16 proposes to change the state budget, including adding, amending
17 or deleting any budget item, shall be submitted or have any
18 effect. No initiative measure that proposes to change the levy
19 of taxes, including adding, amending or repealing any tax rate,
20 tax credit, tax deduction, tax exemption or any other provision
21 relating to the levy of taxes, shall be submitted or have any



1 effect. No initiative measure that includes or excludes any
2 political subdivision of the State in the application or effect
3 of its provisions shall be submitted or have any effect. No
4 initiative measure that compromises or potentially compromises
5 the environment, public health or public safety shall be
6 submitted or have any effect. No initiative measure that
7 contains alternative, contingent or cumulative provisions under
8 which different provisions would take effect depending on the
9 percentage of votes cast for or against the measure shall be
10 submitted or have any effect.

11 An initiative measure shall be submitted to the electorate
12 .for approval or rejection by ballot, as provided by law. The
13 ballot shall be phrased in a manner that enables voters to
14 express their choice on the measure by providing a "yes" or "no"
15 response, under which a "yes" vote constitutes an affirmative
16 vote for the measure, as the measure is written; provided that
17 any measure that would prohibit a specific activity or terminate
18 an existing right or privilege shall be presented on the ballot
19 in a manner that a "yes" vote constitutes an affirmative choice
20 to continue the activity, existing right or privilege.



1 The veto power of the governor shall not extend to
2 initiative measures approved by the electorate. No measure
3 enacted by initiative shall be repealed or amended by the
4 legislature except by a two-thirds vote of each house and only
5 after two years have lapsed from the effective date of the
6 initiative, unless otherwise provided in the measure; provided
7 that the people may amend an initiative measure at any time."

8 SECTION 3. Article III, section 1, of the Constitution of
9 the State of Hawaii is amended to read as follows:

"LEGISLATIVE POWER

11 **Section 1.** [The] Except for the power of initiative
12 reserved to the people under Article II, Section , the
13 legislative power of the State shall be vested in a legislature,
14 which shall consist of two houses, a senate and a house of
15 representatives. [Such power] The legislative power shall
16 extend to all rightful subjects of legislation not inconsistent
17 with this constitution or the Constitution of the United
18 States."

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

"BILLS; ENACTMENT



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

6 SECTION 5. Article III, section 16, of the Constitution of
7 the State of Hawaii is amended to read as follows:

"APPROVAL OR VETO

9 **Section 16.** Every bill which shall have passed the
10 legislature shall be certified by the presiding officers and
11 clerks of both houses and shall thereupon be presented to the
12 governor. If the governor approves it, the governor shall sign
13 it and it shall become law. If the governor does not approve
14 such bill, the governor may return it, with the governor's
15 objections to the legislature. Except for items appropriated to
16 be expended by the judicial and legislative branches, the
17 governor may veto any specific item or items in any bill which
18 appropriates money for specific purposes by striking out or
19 reducing the same; but the governor shall veto other bills, if
20 at all, only as a whole.



1 No bill enacted by initiative under Article II, Section ,
2 shall be subject to veto by the governor.

3 The governor shall have ten days to consider bills
4 presented to the governor ten or more days before the
5 adjournment of the legislature sine die, and if any such bill is
6 neither signed nor returned by the governor within that time, it
7 shall become law in like manner as if the governor had signed
8 it.

RECONSIDERATION AFTER ADJOURNMENT

10 The governor shall have forty-five days, after the
11 adjournment of the legislature sine die, to consider bills
12 presented to the governor less than ten days before such
13 adjournment, or presented after adjournment, and any such bill
14 shall become law on the forty-fifth day unless the governor by
15 proclamation shall have given ten days' notice to the
16 legislature that the governor plans to return such bill with the
17 governor's objections on that day. The legislature may convene
18 at or before noon on the forty-fifth day in special session,
19 without call, for the sole purpose of acting upon any such bill
20 returned by the governor. In case the legislature shall fail to
21 so convene, such bill shall not become law. Any such bill may



1 be amended to meet the governor's objections and, if so amended
2 and passed, only one reading being required in each house for
3 such passage, it shall be presented again to the governor, but
4 shall become law only if the governor shall sign it within ten
5 days after presentation.

6 In computing the number of days designated in this section,
7 the following days shall be excluded: Saturdays, Sundays,
8 holidays and any days in which the legislature is in recess
9 prior to its adjournment as provided in section 10 of this
10 article."

11 SECTION 6. Article XVII, section 1, of the Constitution of
12 the State of Hawaii is amended to read as follows:

13 **"METHODS OF PROPOSAL**

14 **Section 1.** Revisions of or amendments to this constitution
15 may be proposed by constitutional convention, [or] by the
16 legislature[–] or by the people by initiative under Article II,
17 Section _____."

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

20 **"VETO**



1 **Section 4.** No proposal for amendment of the constitution
2 adopted in [either] any manner provided by this article or
3 Article II, Section , shall be subject to veto by the
4 governor."

5 SECTION 8. Article XVII, section 5, of the Constitution of
6 the State of Hawaii is amended to read as follows:

7 **"CONFLICTING REVISIONS OR AMENDMENTS**

8 **Section 5.** If a revision or amendment proposed by a
9 constitutional convention is in conflict with a revision or
10 amendment proposed by the legislature and both are submitted to
11 the electorate at the same election and both are approved, then
12 the revision or amendment proposed by the convention shall
13 prevail. If a revision or amendment proposed by the legislature
14 is in conflict with a revision or amendment proposed by the
15 electorate by initiative under Article II, Section , and both
16 are approved, then the revision or amendment proposed by
17 initiative shall prevail. If conflicting revisions or
18 amendments are proposed by the same body and are submitted to
19 the electorate at the same election and both are approved, then
20 the revision or amendment receiving the highest number of votes
21 shall prevail."



1 SECTION 9. The question to be printed on the ballot shall
2 be as follows:

3 "Shall the Hawaii State Constitution be amended to empower
4 the electorate to propose statutory and constitutional
5 amendments by initiative and to approve or reject those
6 amendments by ballot?"

7 SECTION 10. Constitutional material to be repealed is
8 bracketed and stricken. New constitutional material is
9 underscored.

10 SECTION 11. This amendment shall take effect upon
11 compliance with article XVII, section 3, of the Constitution of
12 the State of Hawaii.

13

INTRODUCED BY: 



S.B. NO. 2766

Report Title:

Constitutional Amendment; Electorate; Direct Initiative

Description:

Proposes a constitutional amendment to provide the state electorate with the power to propose statutory and constitutional amendments by initiative and to approve or reject those amendments by ballot, as provided by law.

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

