

STAND. COM. REP. NO.

2152

Honolulu, Hawaii

FEB 11 2026

RE: S.B. No. 2315  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Third State Legislature  
Regular Session of 2026  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2315 entitled:

"A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE XVII, SECTION 3 OF THE HAWAII STATE 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 the League of Women Voters of Hawaii and three individuals.

Your Committee received testimony in opposition to this measure from two 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, per the requirement of article XVII, section 2, of the Hawaii State Constitution. Second, this majority must also represent a majority of all votes cast in the election, per the 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".

Your Committee has amended this measure by clarifying the question to be printed on the ballot.

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. 2315, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2315, 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,



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KARL RHOADS, Chair



The Senate  
Thirty-Third Legislature  
State of Hawai'i

# Record of Votes Committee on Judiciary JDC

\*Only one measure per Record of Votes