



The Libertarian Party of Hawaii strongly opposes SB2315.

This measure proposes amending Article XVII, Section 3 of the Hawaii State Constitution. It would change the ratification standard for constitutional amendments proposed by the Legislature, requiring approval by a majority of all votes tallied on the specific question. This would mean only explicit "yes" votes would be counted against explicit "no" votes, while excluding blank, spoiled, or over-votes from the calculation.

Under the current Hawaii Constitution, ratification requires approval by a majority of the votes cast upon the amendment at the election, a standard typically interpreted to treat non-responses (such as blanks) as not supporting passage. This serves as an important safeguard, helping to preserve a necessary high bar for constitutional change. We need to make certain that alterations to our fundamental governing document reflect broad, affirmative public support.

The Constitution's primary role is to limit government power, protect individual rights, and prevent the unwarranted expansion of state authority. By lowering the ratification threshold and ignoring non-responses, SB2315 weakens these protections and makes it easier for amendments to pass. This risks enabling the adoption of measures without proper checks and balances by the people.

Because amendments are advanced by legislators, it creates a clear conflict of interest: it would benefit the political class that drafts and proposes amendments, allowing them to more readily entrench their power and implement policies without needing overwhelming voter enthusiasm. Libertarians emphasize the principle of genuine consent and maintain deep skepticism toward concentrated authority. Constitutional amendments must face a deliberately high hurdle to demonstrate widespread agreement among the governed.

Proponents may claim the current system makes passage unnecessarily difficult or that blanks do not represent intentional opposition. However, the existing standard has long functioned as a prudent check against hasty or insufficiently supported changes. If amendments struggle due to voter misunderstanding, the appropriate response is improved ballot education or clearer language, not diluting the approval requirement. Maintaining strong barriers to constitutional amendment is essential to safeguarding individual liberty and restraining government overreach.

For these reasons, the Libertarian Party of Hawaii urges the Committee and the full Legislature to reject SB2315 and preserve the current ratification standard.

For liberty,

Abbra Green | LPHI Secretary | LibertarianHawaii.com | (808)824-LPHI

SB-2315-SD-2

Submitted on: 3/18/2026 12:01:11 PM

Testimony for JHA on 3/19/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jen Wilbur	Planned Parenthood Alliance Advocates	Support	Written Testimony Only

Comments:

Planned Parenthood Alliance Advocates Hawaii strongly supports this measure that seeks to change the current vote counting method that is both confusing and often unknown by voting public that leaving a constitutional amendment measure blank counts as a "no" vote.

LATE



House Committee on Ways and Means

Chair David A. Tarnas, Chair and Rep. Mahina Poepoe, Vice Chair
Thursday, March 19, 2026, 2:00 PM
Room 225 & Videoconference

SB 2315, SD2 – 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.

TESTIMONY

Janet Mason, Legislative Committee, League of Women Voters of Hawaii

Chair Tarnas, Vice Chair Poepoe, and Committee Members:

The League of Women Voters of Hawaii strongly supports SB 2315 SD2

The League of Women Voters (LWV) supports the idea that each vote is of equal value in a democratic and representative form of government.

This measure, as amended, would eliminate confusion by maximizing effective votes and minimizing wasted votes. The LWV **strongly supports SB 2315 SD2** which would ensure a fair counting of all valid votes.

We realize the measure would make it easier to pass Constitutional amendment bills in the Legislature. Any bills which do pass must be accompanied by robust voter education, for our Constitution should not be amended without opportunities for informed voting.

Recently, Hawaii has made progress using simpler wording for Proposals, but many bill topics and content justify a “Pro/Con” analysis of Proposals. When this bill passes, an appropriation should be provided to the Office of Elections for inclusion in the digital voter guide.

Thank you for the opportunity to submit testimony.



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Thursday, March 19, 2026
House Committee on Judiciary & Hawaiian Affairs

Senate Bill 2315 SD2 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

Testifying In Strong Opposition

Aloha Chair Tarnas, Vice Chair Poepoe and Committee Members:

I testify today as an individual. I am not here representing the ACLU of Hawai'i or any other organization.

While I understand and appreciate the intent of this measure, I cannot in good conscience support it.

The Hawai'i State Constitution is the foundational, principled governing document for our state and however one might feel about what is currently included in it, or not, it should not be amended lightly or without fully understanding the consequences of such amendments.

More Advocacy, Not Lowered, Standards, is What's Needed

This past election cycle, I had the privilege of leading the "Vote Yes for Marriage Equality" campaign to strike the discriminatory language from Article 1, Section 23 of our State Constitution. It was a hard fight and we were fortunate to narrowly win in the end. It would be unfair of me, I think, if I didn't acknowledge that, of course, our effort would have been made substantially easier if the amendment proposed in SB1225 had been implemented years ago.

Still, despite that acknowledgment, I remain opposed to this effort to lower the threshold for passing constitutional amendments.

Our jobs, yours as elected officials and mine as an advocate, shouldn't necessarily be made easier because the bar is too high. Rather than lowering the

bar, shouldn't we as public servants (yes, I'm calling myself one too) be more interested in elevating the level of education and debate among the electorate?

Constitutional amendments also have to pass a higher threshold at the legislature. For any constitutional amendment to be placed on the ballot, it must pass the legislature by a simple majority in two back-to-back sessions. Or by a two-thirds majority in one session.

So the proposed constitutional amendment seeks to do a way with a higher threshold for approval by voters, but doesn't acknowledge the similarly higher threshold required for the legislature.

Rather than lower the bar, which could have far reaching unintended consequences, shouldn't we seek to do more to ensure voters understand what's on their ballot, why it's there, what it means, and give weight to their choices?

Political Choices and Minority Opinions

Years ago, I took an introductory course on political science and one of the key takeaways was that so many of our choices are political. We don't know, though as political professionals we often hypothesize, why voters make the choices they do. Particularly in the ballot box. It is entirely possible that voters who left the question to Article 1, Section 23 blank on their ballot do so with intent. Maybe it was a protest vote on the confusing nature of the question. Maybe they weren't sure of their position and chose not to affirmatively mark "yes" or "no".

We'll never know for sure. Sometimes that absence of action, or choosing not to cast a vote is a choice. A political choice.

What I do know is that when it comes to amending our state constitution, the threshold needs to be a higher than a simple majority. We need to be sure. All of us. And if people cast their ballot leaving constitutional amendment questions unanswered, those should not be discounted.

The rights and protections codified in our State Constitution protect everyone, visitors, immigrants, and residents. Republicans, Democrats, Independents, etc. While "majority rules" in our democracy, that doesn't mean the minority opinion-holder has no voice or no rights. Our system of government includes certain checks against the tyranny of the majority. While most of those checks come in governing, after elections are held, that doesn't mean we should strengthen the power of the majority, which this bill does.

When it comes to amending our constitution, it should not be done lightly or with disregard for those who may disagree. And that's one of the reasons the current standard exists; when we amend our constitution, the electorate must be clear and make its intention known. By removing the "blank vote" threshold, we're ignoring the possible objection of the minority, those who may be confused by the

question or intent of the change, and lowering a necessarily higher bar for amending our foundational rights and protections.

For these reasons, I urge the committee to hold or defer this bill. We need to do better for our state, I agree. But this bill is the wrong approach.

Mahalo for the opportunity to testify.

SB-2315-SD-2

Submitted on: 3/18/2026 8:29:09 AM

Testimony for JHA on 3/19/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
William Caron	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and Members of the Committee,

I am writing in **strong support** of SB2315, which proposes to amend article XVII, section 3 of the Hawai‘i State Constitution to clarify that a constitutional amendment proposed by the Legislature shall be effective only if approved at a general election by a majority of all the votes tallied upon the question—meaning blank, spoiled, and overvotes would no longer be counted as "no" votes .

The Current System Dilutes the Voice of Voters

Under Hawai‘i's current constitutional language, the standard for ratification of a proposed amendment is confusing and, frankly, undemocratic. When voters go to the polls, they are asked to mark "yes" or "no" on a proposed amendment. But under existing law, blank ballots, spoiled ballots, and overvotes are effectively counted as "no" votes—even when a voter may have simply skipped the question intentionally, missed it by accident, or made a harmless marking error.

This creates a situation where a constitutional amendment could fail to pass even if a clear majority of those who actually expressed a view supported it. The will of engaged voters who take a position can be drowned out by ballots that express no position at all.

As the Senate Committee on Judiciary report on this very bill noted, "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."

What SB2315 Does

SB2315 proposes a clean, commonsense fix: amend article XVII, section 3 to provide that constitutional amendments shall be effective only if approved by a majority of the votes tallied upon the question—meaning only "yes" and "no" votes are counted in determining whether a majority has been reached. Blank and spoiled ballots would no longer be tallied upon the question.

A Matter of Democratic Integrity

Hawai'i's constitution is our foundational governing document. Amending it should require a clear expression of popular will—but it should not require overcoming the inertia of voters who skip the question entirely. The current system creates an artificially high threshold that can defeat amendments supported by a genuine majority of those who actually vote on the question.

This is not about making it easier or harder to amend the constitution. It is about ensuring that when we ask voters to weigh in on fundamental questions of governance, we count their answers accurately. A blank ballot is not a "no"—it is no expression at all.

Conclusion

Democracy works best when we count what voters actually say, not what we assume they meant by saying nothing. SB2315 is a straightforward, principled reform that would ensure constitutional amendments are ratified only when a true majority of those expressing a view support them.

I urge this committee to pass SB2315 and send this important clarification to the voters for their consideration.

Mahalo for the opportunity to testify.

SB-2315-SD-2

Submitted on: 3/19/2026 5:17:49 AM

Testimony for JHA on 3/19/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Theresa Armbruster	Individual	Oppose	Written Testimony Only

Comments:

Strongly OPPOSE SB2315 SD2

DO NOT change the requirements for ratification of Constitutional Amendments! Keep the Constitution as is, that states: Amendments shall be effective only if approved at a general election by a majority of all the votes tallied upon the question, this majority constituting at least 50% of the total votes cast at the election. "Total votes cast at the election" includes blank and spoiled votes.

Suggestion: when proposed Constitutional amendments are published in the newspaper for public inspection prior to the general election, include information that clearly explains the ballot question, the intent of the proposal, the consequences of a "yes" or "no" vote, and clearly state that a ballot left blank will be counted as a "no" vote. Ensure ballot questions are clear, concise & understandable to all.

Amendments to the Constitution should be taken very seriously, & should only be done with the highest standards & strictest requirements!

Mahalo for your consideration