



Committee on Judiciary

Chair Karl Rhoads, Vice Chair Mike Gabbard

Tuesday, February 3, 2026, 9:00 AM
Conference Room 016 & Videoconference

SB 2315 – 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 Rhodes, Vice Chair Gabbard, and Committee Members:

The League of Women Voters of Hawaii strongly supports SB 2315

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 would eliminate confusion by maximizing effective votes and minimizing wasted votes. The current practice of counting blank, spoiled ballot, and over votes as “no” votes raises the threshold for passage without accurately reflecting the will of the voters. The LWV **strongly supports SB 2315** which would ensure a fair counting of all valid votes.

Thank you for the opportunity to submit testimony.

SB-2315

Submitted on: 1/30/2026 7:23:28 PM
Testimony for JDC on 2/3/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Susan Jaworowski	Individual	Support	Written Testimony Only

Comments:

I am a longtime college instructor at Kapiolani Community College, teaching a course, the Hawaii Legal System, in which, every semester, students are shocked and dismayed to find out that their lack of a vote on a Hawaii constitutional question is registered as a no voted. Unanimously, my students have all believed that if they don't vote on a constitutional question that they will have no impact on the passage of that question. They see it the same as refraining from voting for a particular legislative candidate. For instance, if they decide to vote because they want to support a specific person for governor, and they have not educated themselves on which district they are in and who their candidates are for senator or representative, they are content in knowing that their lack of a vote will not impact the legislative race at all. They do not understand that the constitutional issue is different.

Some of them have expressed that they don't want the burden of having to get the constitutional question "right" when they are not educated on the issue and they really only came to vote for a specific office. They expect that the lack of a vote will not carry any impact, and they are shocked to find out that there is no way that their lack of a vote can be construed as anything except a no vote.

It is wholly unclear, in my opinion, to the average citizen that they need to educate themselves on a constitutional question, where they would go to do so, and the impact of failing to do so. Changing the language of the constitution so that only people who vote on the question have an impact on whether that question passes or not is the appropriate thing to do.



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Tuesday, February 3, 2026
Senate Committee on Judiciary

Senate Bill 2315 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 Rhoads, Vice Chair Gabbard 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.

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 away 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?

Years ago, I took an introductory course on political science and one of the key takeaways I learned 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.

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.

LATE

SB-2315

Submitted on: 2/2/2026 12:14:56 PM
Testimony for JDC on 2/3/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ross Isokane	Individual	Support	Written Testimony Only

Comments:

I support this idea. Getting an amendment on the ballot already requires high hurdles to clear in the legislature. The "blank" vote trap doesn't feel faithful to the spirit of the exercise.

LATE

SB-2315

Submitted on: 2/2/2026 1:55:55 PM
Testimony for JDC on 2/3/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ken Stover	Individual	Support	Written Testimony Only

Comments:

support

LATE

SB-2315

Submitted on: 2/2/2026 3:26:52 PM
Testimony for JDC on 2/3/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Nicholas Zehr	Individual	Oppose	Written Testimony Only

Comments:

Chair, Vice Chair, and Members of the Committee:

I respectfully support SB2315 because it strengthens democratic legitimacy by aligning constitutional amendment outcomes with clear voter intent.

Under current practice, ballots left blank, spoiled, or over-voted on a constitutional question are effectively counted as “no” votes. This is confusing to voters, departs from common democratic norms, and can produce outcomes that do not reflect the will of those who actually expressed a preference. SB2315 fixes this by applying a straightforward, intuitive standard: only votes affirmatively cast on the question, “yes” or “no,” should determine the result.

This proposal does not lower the bar for constitutional change. Amendments would still require a majority of voters who engage the question to approve it. What SB2315 does is remove an artificial and opaque hurdle that penalizes non-responses and disproportionately burdens civic participation, particularly among voters who may skip a question due to confusion or ballot fatigue rather than opposition.

Importantly, the bill is carefully tailored. It applies only to constitutional amendments proposed by the Legislature and leaves untouched the higher threshold for amendments originating from a constitutional convention, preserving existing safeguards.

At its core, SB2315 advances transparency, voter clarity, and respect for democratic choice. When people take the time to vote “yes” or “no,” their voices should be counted as such, no more, no less. I urge your support.

