

JAN 21 2026

A BILL FOR AN ACT

RELATING TO ENABLING LEGISLATION BY THE PEOPLE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that S.B. No. ,
2 Regular Session of 2026, proposes an amendment to the Hawaii
3 State Constitution to provide for initiative and referendum.
4 Accordingly, the purpose of this Act is to make conforming
5 amendments to carry out the requirements of S.B. No. ,
6 Regular Session of 2026.

7 SECTION 2. The Hawaii Revised Statutes is amended by
8 adding a new chapter to be appropriately designated and to read
9 as follows:

10 **"CHAPTER**

11 **INITIATIVE AND REFERENDUM**

12 **§ -1 Initiative.** (a) A statutory amendment or
13 constitutional amendment may be proposed by an initiative
14 petition, signed by registered voters equal in number to at
15 least per cent of the total votes cast in the most recent
16 election for governor, in the case of a statutory amendment; or
17 at least per cent of the total votes cast in the most



1 recent election for governor, in the case of a constitutional
2 amendment. A petition for initiative or referendum shall be
3 signed by voters in each congressional district.

4 (b) The petition shall include the voter's signature, the
5 voter's printed name, residence address, last four digits of the
6 petitioner's social security number, and the date of signing.

7 Signatures may be on separate sheets, but each sheet shall have
8 appended to it the affidavit of a person, not necessarily a
9 signer of the petition, that, to the best of the affiant's
10 knowledge and belief, the persons whose signatures appear on the
11 sheet are duly registered voters of the State, that they signed
12 with full knowledge of the contents of the petition, and that
13 their residences are correctly given.

14 No entity or agent shall circulate or cause to be
15 circulated a petition for initiative or referendum in lieu of or
16 on behalf of any voter.

17 The petition shall set forth a measure for the proposed
18 statutory or constitutional amendment which shall be attached
19 and made a part of the petition; provided that a copy of the
20 proposed statutory or constitutional amendment shall first be
21 submitted to the attorney general who shall review and revise



1 the draft as necessary, and approve the draft to ensure that the
2 draft is legally and technically sufficient.

3 Upon filing of the petition with the office of elections,
4 the chief election officer shall examine it to see whether it
5 contains a sufficient number of apparently genuine signatures of
6 duly registered voters. The chief election officer may question
7 the genuineness of any signature or signatures appearing on the
8 petition, and if the chief election officer finds that any
9 signature or signatures are not genuine, the chief election
10 officer, after public disclosure of the signatures in question,
11 shall disregard them in determining whether the petition
12 contains a sufficient number of signatures.

13 The chief election officer shall eliminate any sheet of the
14 petition that is not accompanied by the required affidavit. The
15 invalidity of any sheet shall not affect the validity of the
16 petition if a sufficient number of signatures remains after
17 eliminating the invalid sheet. The chief election officer shall
18 complete the examination of the petition within twenty working
19 days after the date of filing with the office of elections.

20 A final determination as to the sufficiency or validity of
21 the petition shall be subject to court review.



7 (d) Any proposed statutory or constitutional amendment
8 that is approved by the majority of voters voting thereon shall
9 be deemed enacted, and shall become effective immediately upon
10 certification of the results of the election. In the event that
11 two or more proposed statutory or constitutional amendments
12 conflict with each other in whole or in part and each is
13 approved by a majority of the voters voting thereon, the
14 proposed amendment receiving the highest number of votes shall
15 be adopted and shall take effect.

16 (e) If any provision of a proposed statutory or
17 constitutional amendment, or the application thereof to any
18 person or circumstance, is held invalid, the invalidity shall
19 not affect other provisions or applications of the proposed
20 statutory or constitutional amendment that can be given effect
21 without the invalid provision or application, and to this end



1 the provisions of the proposed statutory or constitutional
2 amendment are severable.

3 (f) A statutory or constitutional amendment that is deemed
4 enacted by initiative or referendum shall not be subject to
5 veto, notwithstanding article III, section 16, of the Hawaii
6 State Constitution.

7 § -2 **Referendum.** (a) In the case of a bill that has
8 passed the legislature, the voters may petition for a referendum
9 to approve the bill in the same manner as provided for an
10 initiative; provided that:

11 (1) No bill shall be attached to the petition;
12 (2) The petition shall be filed with the office of
13 elections within days following adjournment of
14 the general or special session in which the bill is
15 passed; and

16 (3) If the petition for a referendum fails to be approved
17 by the majority of voters voting thereon, the bill's
18 effective date shall be as originally intended in the
19 bill's text.

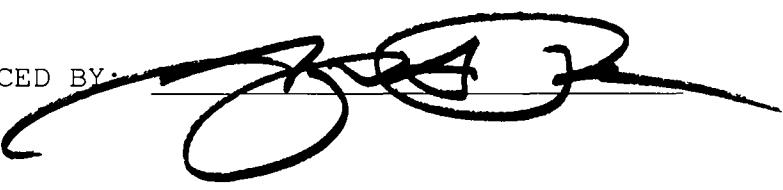
20 (b) The bill passed by the legislature under subsection
21 (a) shall not become law unless the referendum is approved in



1 accordance with this section, notwithstanding article III,
2 section 15, of the Hawaii State Constitution."

3 SECTION 2. This Act shall take effect upon its approval
4 and upon ratification of a constitutional amendment enabling
5 legislation by the people.

6

INTRODUCED BY: 



S.B. NO. 2266

Report Title:

Initiative; Referendum

Description:

Provides for initiative and referendum procedures. Takes effect upon ratification of a constitutional amendment enabling legislation by the people.

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