



# S.B. NO. 2767

1           (b) An initiative petition shall be certified by the  
2 signatures of more than ten percent of the registered voters who  
3 voted in the State's most recent gubernatorial election.

4           (c) An initiative petition shall include:

5           (1) An initiative measure prepared and approved by the  
6 attorney general pursuant to section 11-B;

7           (2) For each registered voter who signs the petition:

8           (A) Signature;

9           (B) Printed name;

10           (C) Residential address;

11           (D) Driver's license number issued by the State,  
12 state identification card number, or the last  
13 four digits of the voter's social security  
14 number; and

15           (E) Date of signing;

16 provided that the signatures may be placed on separate  
17 sheets of the petition; provided further that each  
18 sheet shall be accompanied by an affidavit of a  
19 person, not necessarily a signer of the petition,  
20 stating, to the best of the affiant's knowledge and  
21 belief, that each person whose signature appears on



1 the sheet is a duly registered voter of the State, the  
2 person signed the petition with full knowledge and  
3 understanding of its contents, and the person's  
4 residential address stated in the petition matches the  
5 residential address on the person's voter registration  
6 record, valid driver's license, state identification  
7 card, or other government-issued photographic  
8 identification card or document; and

9 (3) Name or address of all financial sponsors, as required  
10 under section 11-C.

11 **§11-B Initiative measures; form; content; approval.** (a)

12 Before circulating an initiative petition for signatures, the  
13 petitioner shall submit a complete copy of the petition,  
14 excluding the information required under section 11-A(c)(2) and  
15 (3), to the attorney general for approval.

16 (b) Each initiative measure in the initiative petition  
17 shall:

18 (1) Have the following text printed above the title:

19 "INITIATIVE MEASURE TO BE SUBMITTED

20 DIRECTLY TO THE PEOPLE";



# S.B. NO. 2767

1           (2) Address only one subject, which shall be stated in the  
2           title;

3           (3) Include the following enacting clause:

4           "BE IT ENACTED BY THE PEOPLE OF THE STATE OF HAWAII";  
5           and

6           (4) Set forth the full text of the proposed statutory  
7           amendment or constitutional amendment.

8           (c) The attorney general shall review each initiative  
9 petition and shall approve the petition upon determining that it  
10 is legally and technically sufficient. The attorney general may  
11 revise the petition as necessary; provided that the revisions  
12 shall not substantially alter the intent of the measure. The  
13 attorney general shall reject any initiative petition that  
14 proposes to:

15           (1) Name any individual to hold any office;

16           (2) Name or identify any private corporation to perform  
17           any function or to have any power or duty;

18           (3) Change the state budget, including adding, amending,  
19           or deleting any budget item;

20           (4) Change the levy of taxes, including adding, amending,  
21           or repealing any tax rate, tax credit, tax deduction,



1 tax exemption, or any other provision relating to the  
2 levy of taxes;

3 (5) Include or exclude any political subdivision of the  
4 State in the application or effect of the provisions  
5 of the initiative measure;

6 (6) Compromise or potentially compromise the environment,  
7 public health, or public safety; or

8 (7) Violate the United States Constitution.

9 The attorney general shall also reject any initiative  
10 measure that contains alternative, contingent, or cumulative  
11 provisions under which different provisions would take effect  
12 depending on the percentage of votes cast for or against the  
13 measure.

14 **§11-C Initiative petition; circulation; signatures.** (a)

15 Any registered voter may circulate and solicit signatures for an  
16 initiative petition approved by the attorney general pursuant to  
17 section 11-B; provided that no entity or paid agent shall  
18 circulate an initiative petition or cause an initiative petition  
19 to be circulated on behalf of another person.



1 (b) An initiative petition may be signed only by a  
2 registered voter who cast a ballot in the State's most recent  
3 gubernatorial election.

4 (c) There shall be no limit on the number of copies of an  
5 initiative petition that may be circulated.

6 (d) The petitioner shall bear all costs of preparing and  
7 circulating the initiative petition, except for services  
8 provided by the attorney general pursuant to this part. The  
9 name and address of any person who pays any portion of the costs  
10 of preparing or circulating an initiative petition shall be  
11 clearly identified in the petition as a financial sponsor.

12 **§11-D Filing; certification of sufficiency; judicial**  
13 **review.** (a) An initiative petition shall be filed with the  
14 chief election officer no later than ninety days before the  
15 general election at which the initiative is to be submitted to  
16 the voters.

17 (b) The chief election officer shall certify an initiative  
18 petition as sufficient if the chief election officer determines  
19 that:

20 (1) Each person who signed the petition is a registered  
21 voter;



1           (2) The residential address provided for each person who  
2           signed the petition matches the voter registration  
3           records maintained by or accessible to the office of  
4           elections; and

5           (3) The petition contains a sufficient number of valid  
6           signatures, as required under section 11-A.

7           (c) The chief election officer may examine and question  
8           the authenticity of any signature in the initiative petition.  
9           Any signature determined to be invalid shall be publicly  
10          disclosed and excluded from the count to determine the  
11          sufficient number of valid signatures.

12          (d) Any sheets of signatures not accompanied by an  
13          affidavit in compliance with section 11-A shall be rejected in  
14          its entirety.

15          (e) No later than twenty business days after filing, the  
16          chief election officer shall determine whether to certify the  
17          initiative petition as sufficient or deem the petition  
18          insufficient. Any petition deemed insufficient shall be  
19          returned to the petitioner within thirty days of filing with a  
20          written statement identifying the specific deficiencies.



1 (f) Any final determination of the chief election officer  
2 under this section shall be subject to judicial review; provided  
3 that the review shall be limited to the administrative record  
4 and shall not constitute a contested case under chapter 91.

5 **§11-E Confidentiality.** Notwithstanding chapter 92F, an  
6 initiative petition filed with the chief election officer  
7 pursuant to this chapter shall not be subject to public  
8 inspection or disclosure except pursuant to an order of the  
9 supreme court issued for purposes of judicial review.

10 **§11-F Attorney general statement.** Upon certification of  
11 an initiative petition by the chief election officer, the  
12 attorney general shall:

13 (1) Prepare a statement in English and Olelo Hawaii for  
14 each proposed statutory amendment or constitutional  
15 amendment in language that is clear and that indicates  
16 the purpose, limitations, and effects of the  
17 initiative measure;

18 (2) Translate the statement into other languages required  
19 under the federal Voting Rights Act, as specified by  
20 the office of elections; and



1 (3) Distribute each statement, including the translations,  
2 to the state office of elections pursuant to section  
3 11-122(b) and all county clerks for further  
4 distribution.

5 The office of elections and county clerks shall make the  
6 statement available to the public at all polling places in the  
7 State and on the office of elections' website pursuant to  
8 section 11-122.

9 **§11-G Submission to voters; enactment; effective date.**

10 (a) Any initiative measure in an initiative petition certified  
11 as sufficient by the chief election officer shall be submitted  
12 to the voters at the general election immediately following  
13 certification. The measure shall be submitted on the ballot in  
14 a manner that enables voters to express their choice by  
15 providing a "yes" or "no" response, under which a "yes" response  
16 constitutes an affirmative vote for the measure, as the measure  
17 is written; provided that any measure that would prohibit a  
18 specific activity or terminate an existing right or privilege  
19 shall be presented on the ballot in a manner that a "yes" vote  
20 constitutes an affirmative choice to continue the activity,  
21 existing right, or privilege.



1 (b) A proposed statutory amendment or constitutional  
2 amendment approved by a majority of the voters casting votes on  
3 the measure shall be enacted.

4 (c) If two or more initiative measures approved at the  
5 same election conflict with each other, the measure receiving  
6 the highest number of affirmative votes shall prevail.

7 (d) An initiative measure approved by the voters shall  
8 take effect one day after the election results are announced,  
9 unless otherwise provided in the measure.

10 (e) A defeated initiative measure shall not be resubmitted  
11 to the voters by an initiative petition in the same form or  
12 essential substance, as determined by the attorney general, for  
13 a period of four years.

14 **§11-H Relation to legislature; veto; amendments.** (a) No  
15 initiative petition shall be filed during a regular or special  
16 session of the legislature if an initiative measure in the  
17 petition is similar or contrary in form or substance to a bill  
18 that has been introduced in the legislature. The petition may  
19 be filed; provided that the bill is not enacted into law or does  
20 not carry over to the next regular session.



1 (b) If the legislature adopts a bill proposing a  
2 constitutional amendment that is contrary in form or substance  
3 to an initiative measure in a certified initiative petition, as  
4 determined by the attorney general, the constitutional  
5 ratification questions proposed by the legislature and by the  
6 initiative measure shall both be submitted to the voters at the  
7 general election immediately following the legislative session.  
8 The measure receiving the higher number of affirmative votes  
9 shall prevail; provided that the measure is approved pursuant to  
10 section 11-G(b), and the other measure shall be void.

11 (c) If a bill enacted into law or adopted by the  
12 legislature contains a statutory amendment or constitutional  
13 amendment that is the same as, similar to, or accomplishes the  
14 same purpose as an initiative measure included in a certified  
15 initiative petition, as determined by the attorney general, the  
16 chief election officer shall declare the initiative measure void  
17 by a public announcement and strike it from the ballot.

18 (d) An initiative measure approved by voters shall not be  
19 subject to veto by the governor. No measure enacted by  
20 initiative shall be repealed or amended by the legislature  
21 except by a two-thirds vote of each house and only after two



# S.B. NO. 2767

1 years have lapsed from the effective date of the initiative,  
2 unless otherwise provided in the measure; provided that voters  
3 may amend the measure by initiative pursuant to this part at any  
4 time.

5       **§11-I Rules.** The elections commission shall adopt rules  
6 pursuant to chapter 91 necessary to carry out the purposes of  
7 this part."

8       SECTION 3. Section 11-1, Hawaii Revised Statutes, is  
9 amended by adding a new definition to be appropriately inserted  
10 and to read as follows:

11       ""Initiative" means a direct ballot initiative to amend the  
12 law as provided for in part ."

13       SECTION 4. Section 11-2, Hawaii Revised Statutes, is  
14 amended by amending subsection (a) to read as follows:

15       "(a) The chief election officer shall supervise all state  
16 elections[~~-~~] and initiatives. The chief election officer may  
17 delegate responsibilities in state elections and initiatives  
18 within a county to the clerk of that county or to other  
19 specified persons."

20       SECTION 5. Section 11-3, Hawaii Revised Statutes, is  
21 amended to read as follows:



1           "**§11-3 Application of chapter.** This chapter shall apply  
2 to all initiatives proposed in the State and all elections,  
3 including primary, special primary, general, special general,  
4 special, or county[~~r~~] elections held in the State, under all  
5 voting systems used within the State, so far as applicable and  
6 not inconsistent herewith."

7           SECTION 6. Section 11-112, Hawaii Revised Statutes, is  
8 amended by amending subsection (b) to read as follows:

9           "(b) The ballot may include questions concerning proposed  
10 state constitutional amendments, proposed county charter  
11 amendments, or proposed initiative or referendum issues[~~r~~];  
12 provided that any ballot containing measures proposed by  
13 initiative shall be formatted pursuant to section 11-G."

14           SECTION 7. Section 11-118.5, Hawaii Revised Statutes, is  
15 amended by amending subsection (a) to read as follows:

16           "(a) Any constitutional amendment proposed by the  
17 legislature or by initiative shall include in final form the  
18 exact constitutional ratification question to be printed on a  
19 ballot. The constitutional ratification question shall be  
20 phrased in a manner to enable voters to express their choice on  
21 the constitutional amendment by providing a "yes" or "no"



1 response. The language and meaning of a constitutional  
2 amendment shall be clear and it shall be neither misleading nor  
3 deceptive."

4 SECTION 8. Section 11-122, Hawaii Revised Statutes, is  
5 amended by amending subsection (b) to read as follows:

6 "(b) The digital voter information guide shall include:

7 (1) A photograph and short statement of less than one  
8 hundred fifty words for each candidate running for  
9 public office, to be prepared by the candidate;  
10 provided that the office of elections may uniformly  
11 limit the number of words for the candidate statement  
12 by applicable public office;

13 (2) The explanation drafted by the department of the  
14 attorney general of each state constitutional  
15 amendment and initiative measure that will be proposed  
16 to voters in the next general election pursuant to  
17 [~~section~~] sections 11-G and 11-118.5(b); provided that  
18 the department of the attorney general shall transmit  
19 the materials required by this paragraph to the office  
20 of elections no later than seventy-five days before  
21 the general election;



# S.B. NO. 2767

- 1           (3) A clear and concise explanation, drafted by the  
2           appropriate county corporation counsel, for each  
3           proposed county charter amendment, proposed  
4           initiative, and proposed referendum issue; provided  
5           that the respective corporation counsel shall:
- 6           (A) Translate the explanation into Olelo Hawaii and  
7           any other languages required under the federal  
8           Voting Rights Act, as specified by the office of  
9           elections; and
- 10          (B) Transmit the materials required by this paragraph  
11          to the office of elections no later than  
12          seventy-five days before the general election; and
- 13          (4) Information regarding mailing deadlines, places of  
14          deposit locations, same day voter registration,  
15          accessible voting locations, and opening hours of  
16          voter service centers."

17          SECTION 9. In codifying the new sections added by section  
18 2 of this Act, the revisor of statutes shall substitute  
19 appropriate section numbers for the letters used in designating  
20 the new sections in this Act.



# S.B. NO. 2767

1           SECTION 10. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3           SECTION 11. This Act shall take effect on upon its  
4 approval and upon ratification of an amendment to the Hawaii  
5 State Constitution authorizing the electorate of the State with  
6 the power to propose statutory and constitutional amendments by  
7 initiative and to approve or reject those amendments by ballot,  
8 as provided by law.

9

INTRODUCED BY: 



# S.B. NO. 2767

**Report Title:**

Office of Elections; Chief Election Officer; Elections Commission; AG; Initiative; Rules

**Description:**

Establishes provisions allowing registered voters to propose statutory and constitutional amendments by initiative and to approve or reject those amendments by ballot, as provided by law. Clarifies requirements and procedures for the initiative petition, the initiative measure, and the ballot containing the initiative measure. Requires the Attorney General to review all initiative petitions for validity and to provide a summary and explanation for each initiative measure in the digital voter information guide. Requires the Chief Election Officer to certify every Attorney General-approved initiative petition for sufficient number of valid signatures. Clarifies conflicts between initiative measures and contrary or similar bills. Requires the Office of Elections to adopt rules. Takes effect upon ratification of a constitutional amendment authorizing the electorate to propose ballot initiatives and to approve or reject them 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.*

