



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-1

Submitted on: 2/13/2026 8:41:40 PM

Testimony for WAM on 2/19/2026 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Debra Bringman	Individual	Oppose	Written Testimony Only

Comments:

I respectfully oppose SB2315 SD1 because removing blank, spoiled, and over-voted ballots from the calculation for constitutional amendments takes away a critical safeguard that protects voters from changes being pushed through without broad awareness or understanding. Under current law, constitutional amendments must not only receive a majority of “yes” votes on the question itself, but that majority must also reflect at least 50% of all ballots cast in the election, including those where voters chose not to answer the amendment question. This safeguard was intentionally written into our constitution to prevent major changes from being approved by a small, highly motivated group while the general public—many of whom may skip complicated ballot questions—unknowingly allows amendments to pass. SB2315 SD1 would eliminate that safeguard by counting only explicit “no” votes as “no,” making it far easier for the government to advance constitutional changes during low-attention election cycles. Especially in today’s political climate, where voters are overwhelmed and major changes can slip through without full public scrutiny, weakening this protection risks opening the door to amendments passing without the truly informed consent of the people. I urge the Legislature to preserve the current standard to ensure transparency, accountability, and genuine voter approval.

SB-2315-SD-1

Submitted on: 2/18/2026 5:39:32 AM

Testimony for WAM on 2/19/2026 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Nicholas Zehr	Individual	Support	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.



JOSH FROST

1418 Mokuna Pl.
Honolulu, HI 96816

T 808.371.9334
josh.frost@me.com

regardingfrost.com
peoplesdialectic.com

Thursday, February 19, 2026
Senate Committee on Ways and Means

Senate Bill 2315 SD1 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 Talled Upon the Question

Testifying In Strong Opposition

Aloha Chair Dela Cruz, Vice Chair Moriwaki 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 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?

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.

SB-2315-SD-1

Submitted on: 2/18/2026 9:58:24 AM

Testimony for WAM on 2/19/2026 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Tuiaana Scanlan	Individual	Support	Written Testimony Only

Comments:

I support SB2315 SD1



Senate Committee on Ways and Means
Chair Donovan M. Dela Cruz, Vice Chair Sharon Y. Moriwaki
Thursday, February 19, 2026, 10:30 AM
Room 211 & Videoconference

SB 2315, SD1 – 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 Dela Cruz, Vice Chair Moriwaki, and Committee Members:

The League of Women Voters of Hawaii strongly supports SB 2315 SD1

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 SD1** 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.