

A Bill for an Act Relating to a Constitutional Convention.

*Be It Enacted by the Legislature of the State of Hawaii:*

**SECTION 1. Election of delegates.** The chief election officer shall issue a proclamation ordering an election which shall be held on May 20, 1978, for the special election of delegates to a constitutional convention, provided that the election day shall not be a holiday, notwithstanding the provisions of section 8-1, Hawaii Revised Statutes, as amended.

Except as otherwise provided by this Act, the candidates for delegates shall be nominated and their filing fees paid, the special election conducted, the returns made and results ascertained, and the certificates of election issued in the same manner as prescribed by chapter 11, Hawaii Revised Statutes, as amended, governing general elections except that there shall be no primary election.

Any person who is registered as a duly qualified elector shall be eligible to vote in these elections, and shall on the day of the election be entitled to absent himself from any service or employment in which he is then engaged or employed, pursuant to the provisions of section 11-95, Hawaii Revised Statutes, as amended. The general county register shall be closed before the election in the manner set forth in section 11-24, Hawaii Revised Statutes, as amended, for special elections.

Each candidate shall be a qualified elector of the constitutional convention district in which he is a candidate for delegate. The name of no candidate shall be printed upon any official ballot to be used at the special election unless at least 30 days prior to the special election, a nomination paper shall have been filed in his behalf as provided in part I of chapter 12, Hawaii Revised Statutes, as amended, except as modified below, signed by not less than fifteen qualified electors of the constitutional convention district in which he is a candidate. There shall be deposited with each nomination paper a fee of \$25 which shall be paid into the treasury of the State. The lieutenant governor shall provide appropriate nomination papers.

No such nomination paper shall contain any reference to or designation of any political party, and the ballots used at the special election shall be nonpartisan and shall not contain any reference to or designation of the political party or affiliation of any candidate. The names of the candidates in each constitutional convention district shall be listed in alphabetical order on the ballot.

Each voter at the special election shall be entitled to receive a ballot notwithstanding section 12-31, Hawaii Revised Statutes, as amended.

The ballots submitted to the voters of each constitutional convention district shall instruct the voters that the number of candidates to be voted for by such voter shall not exceed the number of delegates to which the constitutional convention district is entitled. The candidates receiving the highest number of votes in the election, not to exceed the number of delegates to which the respective district is entitled, shall be elected as delegates to the convention.

The governor shall fill any vacancy by appointing a qualified voter from the

constitutional convention district in which the vacancy occurs.

The convention shall consist of 102 delegates apportioned among the existing representative districts of the State as follows:

First representative district. Two delegates at large;

Second representative district. Four delegates to be elected. Two delegates from combined precincts of 1, 2, 3, 4, 5, 6 and 12; and two delegates from combined precincts of 7, 8, 9, 10, 11, 13 and 14;

Third representative district. Two delegates at large;

Fourth representative district. Two delegates at large;

Fifth representative district. Four delegates to be elected. Two delegates from combined precincts of 1, 2, 3, 4, 5, 6, 7 and 8; and two delegates from combined precincts of 9, 10, 11, 12, 13, 14 and 15;

Sixth representative district. Four delegates to be elected. Two delegates from combined precincts of 1, 2, 3, 4, 5, 6, 10, 11, 12 and 13; two delegates from combined precincts of 7, 8, 9, 14, 15 and 16;

Seventh representative district. Four delegates to be elected. Two delegates from combined precincts of 1, 2, 3 and 4; and two delegates from combined precincts of 5, 6, 7 and 8;

Eighth representative district. Four delegates to be elected. Two delegates from combined precincts of 1, 2 and 3; and two delegates from combined precincts of 4, 5, 6 and 7;

Ninth representative district. Four delegates to be elected. Two delegates from combined precincts of 1, 3, 7 and 8; and two delegates from combined precincts of 2, 4, 5 and 6;

Tenth representative district. Four delegates to be elected. Two delegates from combined precincts of 1, 2 and 3; and two delegates from combined precincts of 4, 5, 6 and 7;

Eleventh representative district. Four delegates to be elected. Two delegates from combined precincts of 1, 2 and 4; and two delegates from combined precincts of 3, 5 and 6;

Twelfth representative district. Four delegates to be elected. Two delegates from combined precincts of 1, 3 and 5; and two delegates from combined precincts of 2, 4, 6 and 7;

Thirteenth representative district. Six delegates to be elected. Two delegates from combined precincts of 1, 2 and 3; two delegates from combined precincts of 4, 5 and 9; and two delegates from combined precincts of 6, 7 and 8;

Fourteenth representative district. Four delegates to be elected. Two delegates from combined precincts of 1, 2, 3 and 6; and two delegates from combined precincts of 4, 5 and 7;

Fifteenth representative district. Four delegates to be elected. Two delegates from combined precincts of 1, 2, 3 and 4; and two delegates from combined precincts of 5, 6, 7 and 8;

Sixteenth representative district. Four delegates to be elected. Two delegates from combined precincts of 1, 6, 7 and 8; and two delegates from combined precincts of 2, 3, 4 and 5;

Seventeenth representative district. Four delegates to be elected. Two

delegates from combined precincts of 1, 2 and 3; and two delegates from combined precincts of 4, 5, 6 and 7;

Eighteenth representative district. Four delegates to be elected. Two delegates from combined precincts of 1, 2, 3 and 5; and two delegates from combined precincts of 4, 6, 7 and 8;

Nineteenth representative district. Four delegates to be elected. Two delegates from combined precincts of 1, 2 and 3; and two delegates from combined precincts of 4, 5 and 6;

Twentieth representative district. Four delegates to be elected. Two delegates from combined precincts of 1, 2, 3 and 4; and two delegates from combined precincts of 5, 6, 7 and 8;

Twenty-first representative district. Four delegates to be elected. Two delegates from combined precincts of 1, 2 and 3; and two delegates from combined precincts of 4, 5 and 6;

Twenty-second representative district. Four delegates to be elected. Two delegates from combined precincts of 1, 2, 3 and 4; and two delegates from combined precincts of 5, 6, 7 and 8;

Twenty-third representative district. Two delegates at large;

Twenty-fourth representative district. Four delegates to be elected. Two delegates from combined precincts of 1, 2 and 3; and two delegates for combined precincts of 4, 5 and 6;

Twenty-fifth representative district. Four delegates to be elected. Two delegates from combined precincts of 1, 2 and 3; and two delegates from combined precincts of 4, 5, 6 and 7;

Twenty-sixth representative district. Two delegates at large;

Twenty-seventh representative district. Six delegates to be elected. Two delegates from combined precincts of 1, 10, 11, 12 and 13; two delegates from combined precincts of 8 and 9; two delegates from combined precincts of 2, 3, 4, 5, 6 and 7.

**SECTION 2. Convening of convention.** The delegates to the convention thus selected shall meet at Honolulu on the 5th day of July 1978, at a suitable place designated by the governor, and the delegates shall proceed with the organization of the convention, provided that the legislative offices in the State Capitol Building shall not be used for the purposes of the convention. The delegate with the highest number of votes from the first representative district shall serve as temporary chairman.

**SECTION 3. Powers.** In addition to its inherent powers under the Constitution, the Convention may exercise the powers of the legislative committees as provided for by chapter 21, Hawaii Revised Statutes, as amended, and may appoint staff members without regard to chapters 76 and 77, Hawaii Revised Statutes, as amended, and contract for the legal and consultative services of qualified persons as it may require.

Officers and employees of the State shall have the same duty to the convention as prescribed by section 21-16, Hawaii Revised Statutes, with respect to legislative committees.

**SECTION 4. Immunity.** Delegates to the convention shall in all cases,

except felony or breach of the peace, be privileged from arrest during attendance at the convention and in going to and returning from the same.

**SECTION 5. Salaries and allowances for delegates.** Delegates to the convention shall be entitled to a salary of \$1,000 a month, but not more than \$4,000 for the convention, plus allowance of \$10 per diem for Oahu delegates and \$30 per diem for neighbor island delegates.

The salary payments to delegates shall be \$500 semi-monthly, the first payment for the period beginning May 21, 1978. State and county employees who are elected and serve as delegates shall have leave, without pay, from their employment from the day after the election until the convention adjourns, and they shall be entitled to the salaries and allowances for delegates hereunder.

**SECTION 6. Ratification election.** Unless the convention determines otherwise, any constitutional revision or amendment proposed by the convention shall be submitted to the electorate at the general election of November, 1978.

**SECTION 7. Appropriations.** There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,500,000, or so much thereof as may be necessary, to the office of the governor, or to the officers elected by the delegates if so designated by the governor, for defraying the presession, session, and postsession expenses of the constitutional convention, including the payment of compensation to the delegates to the convention, and for such other expenses or purposes pursuant to this Act as may be necessary.

There is appropriated out of the general revenues of the State the sum of \$485,599, or so much thereof as may be necessary, to the office of the lieutenant governor for the purpose of conducting the election of delegates to the constitutional convention.

There is appropriated out of the general revenues of the State the sum of \$8,500, or so much thereof as may be necessary, to the campaign spending commission for the purpose of supervising campaign contributions and expenditures.

There is appropriated out of the general revenues of the State the sum of \$72,000, or so much thereof as may be necessary, to the office of the legislative reference bureau for the expenses of providing the necessary services and assistance for the convention, including the updating of the Hawaii Constitutional Convention Studies.

**SECTION 8.** If any provisions of this Act, or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

**SECTION 9.** This Act shall take effect on July 1, 1977.

(Approved June 27, 1977.)