

JAN 25 2006

S.B. NO. 2516

A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE XVII, SECTION 2, OF THE HAWAII CONSTITUTION, TO CHANGE THE REQUIREMENT FOR VOTER APPROVAL OF A CONVENTION OR AMENDMENT TO A MAJORITY VOTE.

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

1 SECTION 1. The purpose of this Act is to propose an
2 amendment to article XVII, section 2, of the Constitution of the
3 State of Hawaii to change the requirement for voter approval of
4 a constitutional convention or of an amendment to the
5 constitution to a majority vote.

6 SECTION 2. Article XVII, section 2, of the Constitution of
7 the State of Hawaii is amended to read as follows:

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"CONSTITUTIONAL CONVENTION

10 Section 2. The legislature may submit to the electorate at
11 any general or special election the question, "Shall there be a
12 convention to propose a revision of or amendments to the
13 Constitution?" If any nine-year period shall elapse during which
14 the question shall not have been submitted, the lieutenant
15 governor shall certify the question, to be voted on at the first
16 general election following the expiration of such period.

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ELECTION OF DELEGATES

If [~~a majority of the ballots~~] affirmative votes cast upon such a question [~~be in the affirmative~~] exceeds the negative votes cast upon the question, delegates to the convention shall be chosen at the next regular election unless the legislature shall provide for the election of delegates at a special election.

Notwithstanding any provision in this constitution to the contrary, other than Section 3 of Article XVI, any qualified voter of the district concerned shall be eligible to membership in the convention.

The legislature shall provide for the number of delegates to the convention, the areas from which they shall be elected and the manner in which the convention shall convene. The legislature shall also provide for the necessary facilities and equipment for the convention. The convention shall have the same powers and privileges, as nearly as practicable, as provided for the convention of 1978.

MEETING

1 The constitutional convention shall convene not less than
 2 five months prior to the next regularly scheduled general
 3 election.

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ORGANIZATION; PROCEDURE

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7 The convention shall determine its own organization and
 8 rules of procedure. It shall be the sole judge of the elections,
 9 returns and qualifications of its members and, by a two-thirds
 10 vote, may suspend or remove any member for cause. The governor
 11 shall fill any vacancy by appointment of a qualified voter from
 12 the district concerned.

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RATIFICATION; APPROPRIATIONS

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16 The convention shall provide for the time and manner in
 17 which the proposed constitutional revision or amendments shall
 18 be submitted to a vote of the electorate; provided that each
 19 amendment shall be submitted in the form of a question embracing
 20 but one subject; and provided further, that each question shall
 21 have designated spaces to mark YES or NO on the amendment.



1 At least thirty days prior to the submission of any
2 proposed revision or amendments, the convention shall make
3 available for public inspection, a full text of the proposed
4 amendments. Every public library, office of the clerk of each
5 county, and the chief election officer shall be provided such
6 texts and shall make them available for public inspection. The
7 full text of any proposed revision or amendments shall also be
8 made available for inspection at every polling place on the day
9 of the election at which such revision or amendments are
10 submitted.

11 The convention shall, as provided by law, be responsible
12 for a program of voter education concerning each proposed
13 revision or amendment to be submitted to the electorate.

14 ~~[The] Each revision or [~~amendments~~] amendment shall be~~
15 ~~effective only if [approved at a general election by a majority~~
16 ~~of all the votes tallied upon the question, this majority~~
17 ~~constituting at least fifty per cent of the total vote cast at~~
18 ~~the election, or at a special election by a majority of all the~~
19 ~~votes tallied upon the question, this majority constituting at~~
20 ~~least thirty per cent of the total number of registered voters.]~~
21 the affirmative votes cast on the question of the revision or
22 amendment exceeds the negative votes cast upon the question.



1 The provisions of this section shall be self-executing, but
2 the legislature shall make the necessary appropriations and may
3 enact legislation to facilitate their operation."

4 SECTION 3. The question to be printed on the ballot shall
5 be as follows:

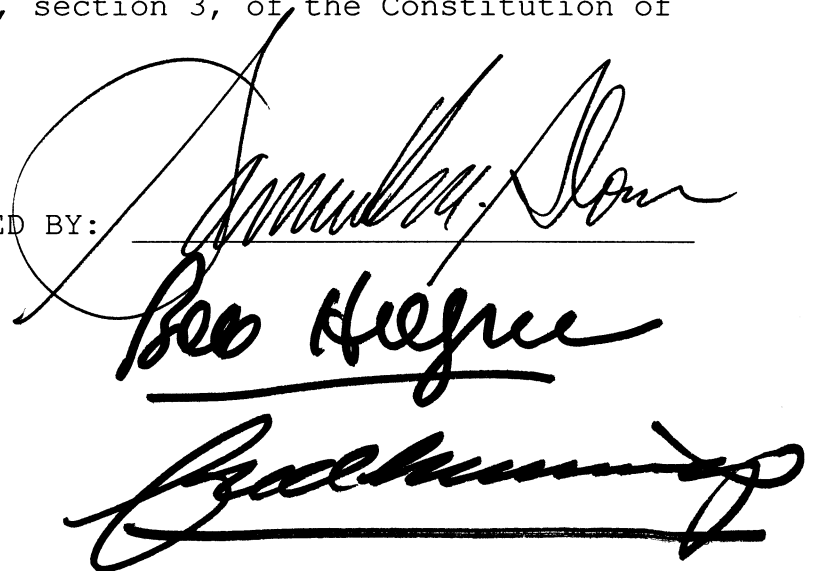
6 "Shall the voters' approval of (1) the establishment of a
7 constitutional convention to revise or amend the state
8 constitution or (2) a proposed revision or amendment to the
9 constitution be effective if the number of votes in favor of
10 the convention or the revision or amendment exceeds the
11 number of votes opposed?"

12 SECTION 4. Constitutional material to be repealed is
13 bracketed and stricken. New constitutional material is
14 underscored.

15 SECTION 5. This amendment shall take effect upon
16 compliance with article XVII, section 3, of the Constitution of
17 the State of Hawaii.

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INTRODUCED BY:

The text contains three handwritten signatures in black ink. The first signature is at the top, the second is in the middle, and the third is at the bottom. Each signature is written over a horizontal line.



SB. NO. 2516

Report Title:

Constitutional amendments; voting requirement

Description:

Proposes an amendment to article XVII, section 2 of the Hawaii Constitution to change the requirement for voter approval of a constitutional convention or amendment to a majority vote.

