THE SENATE TWENTY-FOURTH LEGISLATURE, 2007 STATE OF HAWAII

S.B. NO. 1072

JAN 1 9 2007

A BILL FOR AN ACT

PROPOSING AMENDMENTS TO ARTICLES II, III, AND XVII OF THE CONSTITUTION OF THE STATE OF HAWAII TO PROVIDE FOR INITIATIVE.

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

1	SECTION 1. The purpose of this Act is to propose amendments
2	to articles II, III, and XVII of the Constitution of the State
3	of Hawaii to provide for initiative.
4	SECTION 2. Article II of the Constitution of the State of
5	Hawaii is amended by adding a new section to be appropriately
6	designated and to read as follows:
7	"INITIATIVE
8	Section . The initiative power is reserved for the people.
9	An initiative measure shall be submitted to the people by
lÛ	presenting to the chief election officer a petition containing
11	the signatures of registered voters equaling not less than
12	percent in the case of a law, and not less than percent in
13	the case of an amendment to the constitution, of all votes
14	counted for all candidates for governor at the preceding general
15	election preceding the filing of the petition. The initiative
16	petition shall be filed with the chief election officer not



2

 the initiative is to be submitted directly to the people. Each initiative measure shall embrace but one subject, shall be expressed in its title. The enacting clause shall "BE IT ENACTED BY THE PEOPLE OF THE STATE OF HAWAII" The initiative measure shall be enacted into law when approved by a majority of votes counted for the measure. I or more conflicting initiative measure shall be approved h people at the same election, the measure receiving the high number of votes shall prevail. No initiative measure that names any individual to hold office, or names or identifies any private corporation to perform any function or to have any power or duty, shall be submitted or have any effect. An initiative measure proposing to prohibit a specific activity or to terminate an existing statutory or regulator that they are to vote in the affirmative if they favor the to engage in the activity or continuance of the right or 	Lch
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1	Prior to the circulation of any initiative petition for
2	signatures, a copy shall be submitted to the attorney general,
3	who shall prepare a title and summary of the chief purpose and
4	aim of the proposed measure and transmit it to the submitter
5	within thirty days. The title and summary shall not exceed
6	words.
7	If, after the initiative petition is submitted to the
8	attorney general, any law is enacted which is the same or
9	similar to and accomplishes the same purpose as an initiative
10	measure, as determined by the attorney general, the chief
11	election officer by a public announcement, shall declare the
12	initiative measure void and order it stricken from the ballot.
13	All initiative petitions shall be submitted to the chief
14	election officer for certification. Each sheet containing
15	petitioners' signatures shall be attached to the title, summary,
16	and text of the initiative petition. No laws shall be enacted
17	limiting the number of copies of a petition which may be
18	circulated. Any registered voter of this State shall be
19	competent to solicit signatures. The petition shall be signed
20	by registered voters only. All signers shall add their address
21	as shown on their voter registration form and the date upon
22	which they sign the petition. Every sheet of the petition
	2007-1039 SB SMA.doc ,

4

1	containing signatures shall be verified by affidavit of the
2	petition circulator that each name on the sheet was signed in
3	the presence of the affiant and that in the belief of the
4	affiant each signer is a registered voter of the State. The
5	chief election officer shall certify that the signers are
6	registered voters of this State.
7	Upon certification, an initiative request shall be made to
8	the attorney general, who shall prepare the initiative in the
9	proper format, using brackets, strike through, and underscoring,
10	as appropriate.
11	The chief election officer shall not release any petition
12	for inspection by the public or any governmental agency, except
13	where the supreme court orders inspection of such petition when
14	a question has been raised regarding the sufficiency of a
15	petition. If any petition under this section has been
16	determined to be insufficient, the petition shall be returned to
17	the circulators within thirty days of its filing with the
18	notations of specific insufficiencies.
19	Any measure under this section shall be presented to the
20	people in such a form that a "yes" vote, on a yes or no ballot,
21	shall indicate an affirmative vote for the measure as the
22	measure is written.



Page 4

5

1	The initiative measure shall be effective, if approved, one
2	day after the election results are announced unless otherwise
3	provided for in the measure.
4	The veto power of the governor shall not extend to
5	initiative measures approved by the people."
6	SECTION 3. Article III, section 1, of the Constitution of
7	the State of Hawaii is amended to read as follows:
8	"LEGISLATIVE POWER
9	Section 1. The legislative power of the State shall be
10	vested in a legislature, which shall consist of two houses, a
11	senate and a house of representatives[. Such power], but the
12	people reserve to themselves the powers of initiative. The
13	legislative and initiative powers shall extend to all rightful
14	subjects of legislation not inconsistent with this constitution
15	or the Constitution of the United States."
16	SECTION 4. Article III, section 14, of the Constitution of
17	the State of Hawaii is amended to read as follows:
18	"BILLS; ENACTMENT
19	Section 14. No law shall be passed by the legislature
20	except by bill. Each law shall embrace but one subject, which
21	shall be expressed in its title. The enacting clause of each

2007-1039 SB SMA.doc

Page 6

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1	law enacted by the legislature shall be, "Be it enacted by the
2	legislature of the State of Hawaii."
3	SECTION 5. Article XVII, section 1, of the Constitution of
4	the State of Hawaii is amended to read as follows:
5	"METHODS OF PROPOSAL
6	Section 1. Revisions of or amendments to this constitution
7	may be proposed by constitutional convention $[\frac{\partial \mathbf{r}}{2}]_{\underline{r}}$ by the
8	legislature[-], or by the people through the initiative
9	process."
10	SECTION 6. Article XVII, section 4, of the Constitution of
11	the State of Hawaii is amended to read as follows:
12	"VETO
13	Section 4. No proposal for amendment of the constitution
14	adopted in either manner provided by this article or by
15	initiative shall be subject to veto by the governor."
16	SECTION 7. The question to be printed on the ballot shall
16 17	
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17	SECTION 7. The question to be printed on the ballot shall be as follows:

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1 SECTION 8. Constitutional material to be repealed is bracketed and stricken. New constitutional material is 2 3 underscored. 4 SECTION 9. This amendment shall take effect upon 5 compliance with article XVII, section 3, of the Constitution of 6 the State of Hawaii. **By Request** 7

INTRODUCED BY:

Arella >>



Report Title:

Initiative; Constitutional Amendment

Description:

Proposes a constitutional amendment to provide for the initiative.

