

JAN 19 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 article II, article III, and article XVII of the Constitution
3 of the State of Hawaii to provide for initiative. The
4 legislature finds that no method exists for initiative in Hawaii
5 and that this political mechanism would be in the best interest
6 of the citizenry.

7 SECTION 2. Article II of the Constitution of the State of
8 Hawaii is amended by adding a new section to be appropriately
9 designated and to read:

10 "INITIATIVE

11 Section A. The initiative power is reserved to the people.
12 An initiative measure shall be submitted to the people by
13 presenting to the chief election officer a petition containing
14 the signatures of registered voters equalling not less than ten
15 percent in the case of a law, except for gambling or lottery
16 which requires sixty percent, and not less than sixty percent in
17 the case of an amendment to the Constitution, of all votes



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1 counted for all candidates for governor at the preceding general
2 election preceding the filing of the petition. The initiative
3 petition shall be filed with the chief election officer not
4 later than ninety days prior to the general election at which
5 the initiative is to be submitted directly to the people. All
6 initiative measures shall have printed above the title the
7 following:

8 "INITIATIVE MEASURE TO BE

9 SUBMITTED DIRECTLY TO THE PEOPLE"

10 Each initiative measure shall embrace but one subject,
11 which shall be expressed in its title. The enacting clause shall
12 be:

13 "BE IT ENACTED BY THE PEOPLE

14 OF THE STATE OF HAWAII"

15 The initiative measure shall be enacted into law when
16 approved by a majority of votes counted for the measure. If two
17 or more conflicting initiative measures shall be approved by the
18 people at the same election, the measure receiving the highest
19 number of votes shall prevail.

20 No initiative measure that names any individual to hold any
21 office, or names or identifies any private corporation to
22 perform any function or to have any power or duty, shall be



1 submitted or have any effect. No initiative measure shall be
2 submitted which pertains to land use issues.

3 An initiative measure proposing to prohibit a specific
4 activity or to terminate an existing statutory or regulatory
5 right or privilege shall be submitted to the people in such form
6 that they may vote in the affirmative if they favor the right to
7 engage in the activity or continuance of the right or privilege.

8 No initiative measure shall be filed with the chief
9 election officer which may be either similar or contrary in
10 either form or essential substance to a bill already introduced
11 into the legislature. If after the adjournment of the
12 legislature sine die, such bill has not become law, or does not
13 carry over, an initiative measure of either similar or contrary
14 form may be filed with the chief election officer for submission
15 to the people.

16 If after an initiative request is made with the attorney
17 general, any bill introduced into the legislature which may be
18 contrary as determined by the attorney general in either form or
19 essential substance to the initiative request is enacted into
20 law, that law and that initiative measure shall be submitted to
21 the people in order that they may choose between them, except as
22 provided in the last sentence of this paragraph. That contrary



1 law shall remain in effect pending the general election ballot.
2 The measure receiving the highest number of votes shall prevail.
3 If the initiative measure is approved, such contrary law shall
4 be void. If any law is enacted which is the same or similar to
5 and accomplishes the same purpose as an initiative measure as
6 determined by the attorney general, the chief election officer
7 shall by a public announcement declare the initiative measure
8 void and order it stricken from the ballot.

9 A defeated initiative measure shall not be resubmitted to
10 the people by the initiative petition in either the same form or
11 essential substance, as determined by the attorney general,
12 either affirmatively or negatively for a period of two years.

13 Prior to the circulation of any initiative petition for
14 signatures, a copy shall be submitted to the attorney general
15 who shall prepare a title and summary of the chief purpose and
16 aim of the proposed measure. The title shall not exceed ten
17 words and summary shall not exceed fifty words.

18 All initiative petitions shall be submitted to the chief
19 election officer for certification. Each sheet containing
20 petitioners' signatures shall be attached to the title, summary
21 and text of the initiative petition. No laws shall be enacted
22 limiting the number of copies of a petition which may be



1 circulated. Any registered voter of this State shall be
2 competent to solicit signatures. The petition shall be signed by
3 registered voters. All signers shall add their address as shown
4 on their voter registration form and the date upon which they
5 sign the petition. Every sheet of the petition containing
6 signatures shall be verified by affidavit of the petition
7 circulator that each name on the sheet was signed in the
8 presence of the affiant and that in the belief of the affiant
9 each signer is a registered voter of the State. The chief
10 election officer shall certify that the signers are registered
11 voters of this State.

12 The chief election officer shall not release any petition
13 for inspection by the public or any governmental agency, except
14 where the supreme court orders inspection of such petition when
15 a question has been raised regarding the sufficiency of a
16 petition. If any petition under this section has been determined
17 to be insufficient, the petition shall be returned to the
18 circulators within thirty days of its filing with the notations
19 of specific insufficiencies.

20 Any measure under this section shall be presented to the
21 people in such a form that a "yes" vote, on a yes or no ballot,



1 shall indicate an affirmative vote for the measure as the
2 measure is written.

3 The initiative measure shall be effective, if approved, one
4 day after the election results are announced unless otherwise
5 provided for in the measure.

6 The veto power of the governor shall not extend to
7 initiative measures approved by the people. No measure enacted
8 by the people shall be repealed or amended by the legislature
9 unless otherwise provided in the measure; provided that the
10 people may amend an initiative at any time.

11 The petitioners shall bear all cost of the preparation and
12 circulation of the petition, except for the services performed
13 by the attorney general under this section. After the petition
14 has been filed with the chief election officer, all further
15 costs shall be part of the usual expenditures of the State."

16 SECTION 3. Article III, section 1, of the Constitution of
17 the State of Hawaii is amended to read as follows:

18 **"LEGISLATIVE POWER**

19 **Section 1.** [The] Except as provided in article II, section
20 A, the legislative power of the State shall be vested in a
21 legislature, which shall consist of two houses, a senate and a
22 house of representatives [~~Such power~~], but the people reserve



1 to themselves the powers of initiative as set forth in article
2 II, section A. The legislative power and initiative power shall
3 extend to all rightful subjects of legislation not inconsistent
4 with this constitution or the Constitution of the United
5 States."

6 SECTION 4. Article III, section 14, of the Constitution of
7 the State of Hawaii is amended to read as follows:

8 **"BILLS; ENACTMENT**

9 **Section 14.** No law shall be passed by the legislature
10 except by bill. Each law shall embrace but one subject, which
11 shall be expressed in its title. The enacting clause of each law
12 shall be, "Be it enacted by the legislature of the State of
13 Hawaii."

14 SECTION 5. Article III, section 16, of the Constitution of
15 the State of Hawaii is amended to read as follows:

16 **"APPROVAL OR VETO**

17 **Section 16.** [~~Every~~] Except as provided herein, every bill
18 which shall have passed the legislature shall be certified by
19 the presiding officers and clerks of both houses and shall
20 thereupon be presented to the governor. If the governor approves
21 it, the governor shall sign it and it shall become law. If the
22 governor does not approve such bill, the governor may return it,



1 with the governor's objections to the legislature. Except for
2 items appropriated to be expended by the judicial and
3 legislative branches, the governor may veto any specific item or
4 items in any bill which appropriates money for specific purposes
5 by striking out or reducing the same; but the governor shall
6 veto other bills, if at all, only as a whole.

7 The governor shall have ten days to consider bills
8 presented to the governor ten or more days before the
9 adjournment of the legislature sine die, and if any such bill is
10 neither signed nor returned by the governor within that time, it
11 shall become law in like manner as if the governor had signed
12 it.

13 The governor shall not have the power of approval or veto
14 over any initiative measure adopted by the people, as is
15 provided for in article II, section A.

16 RECONSIDERATION AFTER ADJOURNMENT

17 The governor shall have forty-five days, after the
18 adjournment of the legislature sine die, to consider bills
19 presented to the governor less than ten days before such
20 adjournment, or presented after adjournment, and any such bill
21 shall become law on the forty-fifth day unless the governor by
22 proclamation shall have given ten days' notice to the



1 legislature that the governor plans to return such bill with the
2 governor's objections on that day. The legislature may convene
3 at or before noon on the forty-fifth day in special session,
4 without call, for the sole purpose of acting upon any such bill
5 returned by the governor. In case the legislature shall fail to
6 so convene, such bill shall not become law. Any such bill may be
7 amended to meet the governor's objections and, if so amended and
8 passed, only one reading being required in each house for such
9 passage, it shall be presented again to the governor, but shall
10 become law only if the governor shall sign it within ten days
11 after presentation.

12 In computing the number of days designated in this section,
13 the following days shall be excluded: Saturdays, Sundays,
14 holidays and any days in which the legislature is in recess
15 prior to its adjournment as provided in section 10 of this
16 article."

17 SECTION 6. Article XVII, section 1, of the Constitution of
18 the State of Hawaii is amended to read as follows:

19 **"METHODS OF PROPOSAL**

20 **Section 1.** Revisions of or amendments to this constitution
21 may be proposed by constitutional convention or by the



1 legislature[-] or by the people under article II, section A
2 through the initiative process."

3 SECTION 7. Article XVII, section 4, of the Constitution of
4 the State of Hawaii is amended to read as follows:

5 "VETO

6 Section 4. No proposal for amendment of the constitution
7 adopted in either manner provided by this article or by article
8 II, section A on initiative, shall be subject to veto by the
9 governor."

10 SECTION 8. Article XVII, section 5, of the Constitution of
11 the State of Hawaii is amended to read as follows:

12 "CONFLICTING REVISIONS OR AMENDMENTS

13 Section 5. If a revision or amendment proposed by a
14 constitutional convention is in conflict with a revision or
15 amendment proposed by the legislature and both are submitted to
16 the electorate at the same election and both are approved, then
17 the revision or amendment proposed by the convention shall
18 prevail. If a revision or amendment proposed by the legislature
19 is in conflict with the revision or amendment proposed by the
20 people under article II, section A, by initiative, and both are
21 approved, then the revision or amendment receiving the highest
22 number of votes shall prevail. If conflicting revisions or



1 amendments are proposed by the same body, or by the people under
2 article II, section A on initiative, and are submitted to the
3 electorate at the same election and both are approved, then the
4 revision or amendment receiving the highest number of votes
5 shall prevail."

6 SECTION 9. The question to be printed on the ballot shall
7 be as follows:

8 "Shall the State Constitution be amended to provide for
9 initiative, which is the power of the people to introduce
10 legislative measures?"

11 SECTION 10. In codifying the new section added to article
12 II of the Constitution of the State of Hawaii, by section 2 of
13 this Act, the revisor of statutes shall substitute the
14 appropriate section number for the letter used in the new
15 section designation in this Act.

16 SECTION 11. Constitutional material to be repealed is
17 bracketed and stricken. New constitutional material is
18 underscored.

19 SECTION 12. This amendment shall take effect upon
20 compliance with article XVII, section 3, of the Constitution of
21 the State of Hawaii.

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INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Gerald R. Brown", is written over a horizontal line. The signature is large and stylized, with a prominent loop at the beginning.



Report Title:
Initiative

Description:
Amends articles II, III, and XVII of the state constitution to provide for initiative.

