

JAN 24 2007

A BILL FOR AN ACT

PROPOSING AMENDMENTS TO THE CONSTITUTION OF THE STATE OF HAWAII
BY ADDING A NEW ARTICLE AND BY AMENDING ARTICLES III AND
XVII TO PROVIDE FOR A CITIZENS ASSEMBLY AND TO AUTHORIZE
THE CITIZENS ASSEMBLY TO PROPOSE CONSTITUTIONAL AND
STATUTORY REVISION OR AMENDMENTS TO THE LAWS GOVERNING
ELECTIONS, POLITICAL CAMPAIGNS, ETHICS, AND PUBLIC ACCESS
TO INFORMATION BY REFERENDUM.

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

1 SECTION 1. The legislature finds that Hawaii has
2 consistently had the lowest voter participation in the nation,
3 and that it is necessary to encourage citizens to engage in the
4 political process and deliberate on the issues facing this
5 State.

6 The legislature further finds that a citizens assembly
7 would enable ordinary citizens to debate and promote reforms
8 that are largely overlooked by this body because of a conflict
9 of interest, such as reforms relating to elections, political
10 campaigns, ethics, and public access to information.

11 A citizens assembly provides an independent, nonpartisan
12 forum for citizens to have a direct voice in the decision- and
13 law-making process of this State, and helps ensure that the
14 process is fair, representative, and democratic.



1 Citizens assemblies have been successful in other
2 jurisdictions such as British Colombia and Ontario in Canada.
3 The first citizens assembly was convened in Canada in 2004,
4 composed of one hundred sixty members from each of the seventy-
5 nine political districts. Members were selected from a
6 stratified random sample to better reflect the general
7 population. After many months of deliberating ideas regarding
8 electoral reform, the citizens assembly ultimately proposed a
9 new voting system to the voters.

10 There is a growing interest in citizens assemblies here in
11 the United States, as well. California has a proposal to amend
12 its state constitution to create a citizens assembly based on
13 the British Columbia model.

14 The purpose of this Act is to propose amendments to the
15 Constitution of the State of Hawaii by adding a new article and
16 by amending articles III and XVII to provide for a citizens
17 assembly and to authorize the citizens assembly to propose
18 constitutional and statutory revision or amendments to the laws
19 governing elections, political campaigns, including campaign
20 finance, ethics, and public access to information by referendum.



1 SECTION 2. The Constitution of the State of Hawaii is
2 amended by adding a new article to be designated and to read as
3 follows:

4 "ARTICLE 11.A

5 CITIZENS ASSEMBLY

6 Section 1. There shall be established a citizens assembly
7 to consider and propose constitutional and statutory revision or
8 amendments to the laws governing elections, political campaigns,
9 including campaign finance, ethics, and public access to
10 information.

11 The citizens assembly shall be composed of twenty-five
12 members who are registered voters in the State and who are
13 selected at random from groups that are broadly representative
14 of the adult population of the State as to age, gender,
15 ethnicity, socioeconomic status, and geographical distribution.

16 The citizens assembly shall convene in each odd-numbered
17 year, starting in July, and shall disband after the next general
18 election.

19 Section 2. The citizens assembly shall only consider
20 constitutional revision or amendments upon request by the
21 legislature by concurrent resolution. The citizens assembly may



1 consider statutory revision or amendments at the discretion of
2 the citizens assembly.

3 The citizens assembly shall provide the public with the
4 opportunity to make recommendations to the citizens assembly, in
5 writing, orally at public meetings, or by other means.

6 Notwithstanding any provision in this constitution to the
7 contrary, the citizens assembly may submit one or more proposals
8 for revision or amendment of the constitution, together with any
9 related statutory changes, or for revision or amendment of
10 statutory law to the voters for approval by referendum after
11 adopting the proposal in the manner required for legislation.

12 Upon such adoption, the proposed amendments shall be
13 published once in each of four successive weeks in at least one
14 newspaper of general circulation in each senatorial district
15 wherein such a newspaper is published, within the two months'
16 period immediately preceding the next general election.

17 **REFERENDUM**

18 **Section 3.** Referendum is the process of referring a
19 proposal for revision or amendment of the constitution, together
20 with any related statutory changes, or for revision or amendment
21 of statutory law to the voters for final approval.



1 Any proposal for revision or amendment of the constitution,
2 together with any related statutory changes, or for revision or
3 amendment of statutory law submitted by the citizens assembly to
4 the voters for approval shall embrace but one subject, which
5 shall be expressed in its title.

6 Each proposal shall be submitted to the electorate for
7 approval or rejection upon a separate ballot at the next general
8 election. The conditions of and requirements for ratification
9 of a proposed revision or amendment shall be the same as
10 provided in Section 2 of Article XVII except that a revision or
11 amendment shall be effective only if approved by two-thirds of
12 all the votes tallied upon the question.

13 **Section 4.** The provisions of this Article shall be self-
14 executing, but the legislature shall make the necessary
15 appropriations and may enact legislation to facilitate their
16 operation."

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

19 **"LEGISLATIVE POWER**

20 **Section 1.** The legislative power of the State shall be
21 vested in a legislature, which shall consist of two houses, a
22 senate and a house of representatives [~~Such power~~]; provided



1 that the citizens assembly shall have the power to propose
2 constitutional and statutory revision or amendments to the law
3 pursuant to Article 11.A. The legislative power shall extend to
4 all rightful subjects of legislation not inconsistent with this
5 constitution or the Constitution of the United 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
12 law enacted by the legislature shall be, "Be it enacted by the
13 legislature of the State of Hawaii.""

14 SECTION 5. Article XVII, section 1, of the Constitution of
15 the State of Hawaii is amended to read as follows:

16 **"METHODS OF PROPOSAL**

17 **Section 1.** Revisions of or amendments to this constitution
18 may be proposed by constitutional convention [~~or~~], by the
19 legislature[~~or~~], or by the citizens assembly pursuant to Article
20 11.A."

21 SECTION 6. Article XVII, section 4, of the Constitution of
22 the State of Hawaii is amended to read as follows:



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"VETO

Section 4. No proposal for amendment of the constitution adopted in either manner provided by this article or by referendum shall be subject to veto by the governor."

SECTION 7. Article XVII, section 5, of the Constitution of the State of Hawaii is amended to read as follows:

"CONFLICTING REVISIONS OR AMENDMENTS

Section 5. If a revision or amendment proposed by a constitutional convention is in conflict with a revision or amendment proposed by the legislature and both are submitted to the electorate at the same election and both are approved, then the revision or amendment proposed by the convention shall prevail. If a revision or amendment proposed by the citizens assembly is in conflict with a revision or amendment proposed by the legislature and both are submitted to the electorate at the same election and both are approved, then the revision or amendment proposed by the citizens assembly shall prevail. If conflicting revisions or amendments are proposed by the same body and are submitted to the electorate at the same election and both are approved, then the revision or amendment receiving the highest number of votes shall prevail."



1 SECTION 8. The question to be printed on the ballot shall
2 be as follows:

3 "Shall the state constitution be amended to provide
4 for a citizens assembly and to authorize the citizens
5 assembly to propose constitutional and statutory
6 revision or amendments to the laws governing
7 elections, political campaigns, ethics, and public
8 access to information by referendum, which is the
9 process of referring a proposal for revision or
10 amendment of the constitution, together with any
11 related statutory changes, or for revision or
12 amendment of statutory law to the voters for final
13 approval?"

14 SECTION 9. Constitutional material to be repealed is
15 bracketed and stricken. New constitutional material is
16 underscored.

17 SECTION 10. This amendment shall take effect upon
18 compliance with article XVII, section 3, of the Constitution of
19 the State of Hawaii.

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INTRODUCED BY: 



Report Title:

Constitutional Amendment; Citizen Assembly; Referendum

Description:

Proposes a constitutional amendment to provide for a citizens assembly and to authorize the citizens assembly to propose constitutional and statutory revision or amendments to the laws governing elections, political campaigns, including campaign finance, ethics, and public access to information by referendum.

