

JAN 18 2008

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# A BILL FOR AN ACT

RELATING TO A CONSTITUTIONAL CONVENTION.

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

1           SECTION 1. In 2008, a question will be placed on the  
2 general election ballot asking voters whether a constitutional  
3 convention should be held to revise or amend the Constitution of  
4 the State of Hawaii.

5           In an effort to educate voters prior to voting on this  
6 question, the legislature finds that providing information such  
7 as when the election would be held, the number of delegates to  
8 the convention, and the cost of the convention, will help to  
9 facilitate well informed decisions when people go to vote.

10           The purpose of this Act is to provide the framework for a  
11 constitutional convention should voters decide a constitutional  
12 convention should be held to revise or amend the Constitution of  
13 the State of Hawaii.

14           SECTION 2. **Election of delegates.** The chief election  
15 officer shall issue a proclamation ordering an election which  
16 shall be held on August           , 2009, for the special election of  
17 delegates to a constitutional convention, provided that the



1 election day shall not be a holiday, notwithstanding the  
2 provisions of section 8-1, Hawaii Revised Statutes.

3 The special election shall be conducted through the mail by  
4 a mail-in balloting system to be determined by the chief  
5 elections officer.

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

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

21 Each candidate shall be a qualified elector of the  
22 constitutional convention district in which the person is a



1 candidate for delegate. The name of no candidate shall be  
2 printed upon any official ballot to be used at the special  
3 election unless at least thirty days prior to the special  
4 election, a nomination paper has been filed on the candidate's  
5 behalf as provided in part I of chapter 12, Hawaii Revised  
6 Statutes, signed by not less than fifteen qualified electors of  
7 the constitutional convention district in which they are a  
8 candidate. There shall be deposited with each nomination paper  
9 a fee of \$                    which shall be paid into the state  
10 treasury. The chief election officer shall provide appropriate  
11 nomination papers.

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

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



1           The ballots submitted to the voters of each constitutional  
2 convention district shall instruct the voters of each  
3 constitutional convention district that the number of candidates  
4 to be voted for by the voter shall not exceed the number of  
5 delegates to which the constitutional convention district is  
6 entitled. The candidates receiving the highest number of votes  
7 in the election, not to exceed the number of delegates to which  
8 the respective district is entitled, shall be elected as  
9 delegates to the convention.

10           The governor shall fill any delegate vacancy by appointing  
11 a qualified voter from the constitutional convention district in  
12 which the vacancy occurs.

13           The constitutional convention shall consist of 102  
14 delegates, with two delegates elected from each of the existing  
15 representative districts in the State.

16           **SECTION 3. Convening of convention.** The delegates to the  
17 constitutional convention shall meet in Honolulu on the 1st day  
18 of September 2009, at a suitable place designated by the  
19 governor. The delegate with the highest number of votes from  
20 the first representative district shall serve as temporary  
21 chairperson.



1           SECTION 4. **Powers.** In addition to is inherent powers  
 2 under the state constitution, the constitutional convention may  
 3 exercise the powers of the legislative committees as provided  
 4 for by chapter 21, Hawaii Revised Statutes, and may appoint  
 5 staff members without regard to chapter 76, Hawaii Revised  
 6 Statutes, and contract for the legal and consultative services  
 7 of qualified persons as may be required.

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

11           SECTION 5. **Immunity.** Delegates to the convention shall in  
 12 all cases, except for felony or breach of the peace, be  
 13 privileged from arrest during attendance at the constitutional  
 14 convention and in going to and returning from the constitutional  
 15 convention.

16           SECTION 6. **Salaries and allowances for delegates.**  
 17 Delegates to the convention shall be entitled to a salary of  
 18 \$                   a month, but no more than \$                   a month for  
 19 the convention, plus an allowance of \$                   per diem for Oahu  
 20 delegates and \$                   per diem for neighbor island delegates.

21           A State or county employee who is elected and who serves as  
 22 a delegate shall be granted a leave of absence without pay, or



1 shall be entitled to accumulated vacation leave in lieu of the  
2 delegate's salary, from the day after the election until the  
3 constitutional convention adjourns. Any state or county  
4 employee who elects to take a leave of absence without pay shall  
5 be entitled to a delegate's salary as provided and shall not  
6 suffer any loss of seniority.

7       SECTION 7. **Ratification of election.** Unless the  
8 convention determines otherwise, any constitutional revision or  
9 amendment proposed by the constitutional convention shall be  
10 submitted to the electorate at the general election of November  
11 2010.

12       SECTION 8. **Appropriations.** (a) There is appropriated out  
13 of the general revenues of the State of Hawaii the sum of  
14 \$           or so much thereof as may be necessary for fiscal  
15 year 2008-2009 to the office of the governor, or to the officers  
16 elected by the delegates if so designated by the governor, for  
17 defraying the pre-session, session, and post-session expenses of  
18 the constitutional convention, including the payment of  
19 compensation to the delegates to the constitutional convention,  
20 and for such other expenses or purposes pursuant to this Act as  
21 may be necessary.



1           The sum appropriated shall be expended by the office of the  
2 governor for the purposes of this Act.

3           (b) There is appropriated out of the general revenues of  
4 the State of Hawaii the sum of \$                   or so much thereof as  
5 may be necessary for fiscal year 2008-2009 to the office of  
6 elections for the purpose of conducting the election of  
7 delegates to the constitutional convention.

8           The sum appropriated shall be expended by the office of  
9 elections for the purposes of this Act.

10          (c) There is appropriated out of the general revenues of  
11 the State of Hawaii the sum of \$                   or so much thereof as  
12 may be necessary for fiscal year 2008-2009 to the campaign  
13 spending commission for the purpose of supervising campaign  
14 contributions and expenditures.

15          The sum appropriated shall be expended by the department of  
16 accounting and general services for the purposes of this Act.

17          (d) There is appropriated out of the general revenues of  
18 the State of Hawaii the sum of \$                   or so much thereof as  
19 may be necessary for fiscal year 2008-2009 to the legislative  
20 reference bureau for expenses of providing the necessary  
21 services and assistance for the constitutional convention,  
22 including the updating of the Hawaii constitutional conventions



1 studies, conducting a citizen education program, and providing  
2 staff services to the constitutional convention.

3 The sum appropriated shall be expended by the legislative  
4 reference bureau for the purposes of this Act.

5 (e) There is appropriated out of the general revenues of  
6 the State of Hawaii the sum of \$ or so much thereof as  
7 may be necessary for fiscal year 2008-2009 to the office of the  
8 legislative auditor for the preparation and publication of a  
9 taxation and finance manual for the constitutional convention.

10 The sum appropriated shall be expended by the office of the  
11 legislative auditor.

12 SECTION 9. If any provision of this Act, or the  
13 application thereof to any person or circumstance is held  
14 invalid, the invalidity does not affect other provisions or  
15 applications of the Act, which can be given effect without the  
16 invalid provision or application, and to this end the provisions  
17 of this Act are severable.

18 SECTION 10. This Act shall take effect on July 1, 2008.

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INTRODUCED BY:

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**Report Title:**

Constitutional Convention; Appropriations

**Description:**

Provides that if voters in the 2008 general election approve a constitutional convention, there shall be a special election for 102 delegates to be held in August 2009; voters will elect two nonpartisan delegates for each district of the house of representatives by mail-ballots; the constitutional convention will convene on September 1, 2009; constitutional amendments proposed by the convention will be submitted for ratification by the voters in the 2010 general election. Appropriates funds for the special election, convention expenses and compensation of delegates, a citizen education program, and updating of the constitutional convention studies.

