

JAN 18 2008

A BILL FOR AN ACT

PROPOSING AMENDMENTS TO THE CONSTITUTION OF THE STATE OF HAWAII
RELATING TO A CITIZENS ASSEMBLY TO PROPOSE BY REFERENDUM
CONSTITUTIONAL AND STATUTORY PROVISIONS TO LAWS GOVERNING
ELECTIONS, POLITICAL CAMPAIGNS, ETHICS, AND PUBLIC ACCESS.

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.

15 Citizens assemblies have been successful in other
16 jurisdictions such as British Columbia and Ontario in Canada.



1 The first citizens assembly was convened in Canada in 2004,
2 composed of one hundred sixty members from each of the seventy-
3 nine political districts. Members were selected from a
4 stratified random sample to better reflect the general
5 population. After many months of deliberating ideas regarding
6 electoral reform, the citizens assembly ultimately proposed a
7 new voting system to the voters.

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

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

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

22 "ARTICLE 11.A



CITIZENS ASSEMBLY

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

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

12 The citizens assembly shall convene in each odd-numbered
13 year, starting in July, and shall disband after the next general
14 election.

15 Section 2. The citizens assembly shall only consider
16 constitutional revision or amendments upon request by the
17 legislature by concurrent resolution. The citizens assembly may
18 consider statutory revision or amendments at the discretion of
19 the citizens assembly.

20 The citizens assembly shall provide the public with the
21 opportunity to make recommendations to the citizens assembly, in
22 writing, orally at public meetings, or by other means.



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

7 Upon such adoption, the proposed amendments shall be
8 published once in each of four successive weeks in at least one
9 newspaper of general circulation in each senatorial district
10 wherein such a newspaper is published, within the two months'
11 period immediately preceding the next general election.

12 REFERENDUM

13 Section 3. Referendum is the process of referring a
14 proposal for revision or amendment of the constitution, together
15 with any related statutory changes, or for revision or amendment
16 of statutory law to the voters for final approval.

17 Any proposal for revision or amendment of the constitution,
18 together with any related statutory changes, or for revision or
19 amendment of statutory law submitted by the citizens assembly to
20 the voters for approval shall embrace but one subject, which
21 shall be expressed in its title.



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

8 Section 4. The provisions of this Article shall be self-
9 executing, but the legislature shall make the necessary
10 appropriations and may enact legislation to facilitate their
11 operation."

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

14 "LEGISLATIVE POWER

15 Section 1. The legislative power of the State shall be
16 vested in a legislature, which shall consist of two houses, a
17 senate and a house of representatives [~~Such power~~]; provided
18 that the citizens assembly shall have the power to propose
19 constitutional and statutory revision or amendments to the law
20 pursuant to Article 11.A. The legislative power shall extend to
21 all rightful subjects of legislation not inconsistent with this
22 constitution or the Constitution of the United States."



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

3 "BILLS; ENACTMENT

4 Section 14. No law shall be passed by the legislature
5 except by bill. Each law shall embrace but one subject, which
6 shall be expressed in its title. The enacting clause of each
7 law enacted by the legislature shall be, "Be it enacted by the
8 legislature of the State of Hawaii."

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

11 "METHODS OF PROPOSAL

12 Section 1. Revisions of or amendments to this constitution
13 may be proposed by constitutional convention [~~e~~], by the
14 legislature [~~-~~], or by the citizens assembly pursuant to Article
15 11.A."

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

18 "VETO

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



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

3 "CONFLICTING REVISIONS OR AMENDMENTS

4 Section 5. If a revision or amendment proposed by a
5 constitutional convention is in conflict with a revision or
6 amendment proposed by the legislature and both are submitted to
7 the electorate at the same election and both are approved, then
8 the revision or amendment proposed by the convention shall
9 prevail. If a revision or amendment proposed by the citizens
10 assembly is in conflict with a revision or amendment proposed by
11 the legislature and both are submitted to the electorate at the
12 same election and both are approved, then the revision or
13 amendment proposed by the citizens assembly shall prevail. If
14 conflicting revisions or amendments are proposed by the same
15 body and are submitted to the electorate at the same election
16 and both are approved, then the revision or amendment receiving
17 the highest number of votes shall prevail."

18 SECTION 8. The question to be printed on the ballot shall
19 be as follows:

20 "Shall the state constitution be amended to provide for a
21 citizens assembly and to authorize the citizens assembly to
22 propose constitutional and statutory revision or amendments



1 to the laws governing elections, political campaigns,
2 ethics, and public access to information by referendum,
3 which is the process of referring a proposal for revision
4 or amendment of the constitution, together with any related
5 statutory changes, or for revision or amendment of
6 statutory law to the voters for final approval?"

7 SECTION 9. Constitutional material to be repealed is
8 bracketed and stricken. New constitutional material is
9 underscored.

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

13

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.

