

JAN 26 2009

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# A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION RELATING TO  
RATIFICATION OF CONSTITUTIONAL AMENDMENTS.

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

1       SECTION 1. The purpose of this Act is to propose an  
2 amendment to the Hawaii constitution to establish that only  
3 "yes" or "no" votes shall be counted for purposes of determining  
4 whether the electorate has ratified a proposed amendment to the  
5 constitution.

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

8   **"CONSTITUTIONAL CONVENTION**

9       **Section 2.** The legislature may submit to the electorate at  
10 any general or special election the question, "Shall there be a  
11 convention to propose a revision of or amendments to the  
12 Constitution?" If any nine-year period shall elapse during  
13 which the question shall not have been submitted, the lieutenant  
14 governor shall certify the question, to be voted on at the first  
15 general election following the expiration of such period.

16   **ELECTION OF DELEGATES**



## S.B. NO. 1019

1       If a majority of the ballots cast upon such a question be  
2 in the affirmative, delegates to the convention shall be chosen  
3 at the next regular election unless the legislature shall  
4 provide for the election of delegates at a special election.

5       Notwithstanding any provision in this constitution to the  
6 contrary, other than Section 3 of Article XVI, any qualified  
7 voter of the district concerned shall be eligible to membership  
8 in the convention.

9       The legislature shall provide for the number of delegates  
10 to the convention, the areas from which they shall be elected  
11 and the manner in which the convention shall convene. The  
12 legislature shall also provide for the necessary facilities and  
13 equipment for the convention. The convention shall have the  
14 same powers and privileges, as nearly as practicable, as  
15 provided for the convention of 1978.

**MEETING**

16  
17       The constitutional convention shall convene not less than  
18 five months prior to the next regularly scheduled general  
19 election.

**ORGANIZATION; PROCEDURE**

20  
21       The convention shall determine its own organization and  
22 rules of procedure. It shall be the sole judge of the



1 elections, returns and qualifications of its members and, by a  
2 two-thirds vote, may suspend or remove any member for cause.  
3 The governor shall fill any vacancy by appointment of a  
4 qualified voter from the district concerned.

5 **RATIFICATION; APPROPRIATIONS**

6 The convention shall provide for the time and manner in  
7 which the proposed constitutional revision or amendments shall  
8 be submitted to a vote of the electorate; provided that each  
9 amendment shall be submitted in the form of a question embracing  
10 but one subject; and provided further, that each question shall  
11 have designated spaces to mark YES or NO on the amendment.

12 At least thirty days prior to the submission of any  
13 proposed revision or amendments, the convention shall make  
14 available for public inspection, a full text of the proposed  
15 amendments. Every public library, office of the clerk of each  
16 county, and the chief election officer shall be provided such  
17 texts and shall make them available for public inspection. The  
18 full text of any proposed revision or amendments shall also be  
19 made available for inspection at every polling place on the day  
20 of the election at which such revision or amendments are  
21 submitted.



1       The convention shall, as provided by law, be responsible  
2 for a program of voter education concerning each proposed  
3 revision or amendment to be submitted to the electorate.

4       The revision or amendments shall be effective only if  
5 approved at a general election by a majority of all the votes  
6 [~~tallied~~] cast upon the question, [~~this majority constituting at~~  
7 ~~least fifty per cent of the total vote cast at the election,~~] or  
8 at a special election by a majority of all the votes [~~tallied~~]  
9 cast upon the question, this special election majority  
10 constituting at least thirty per cent of the total number of  
11 registered voters. Only ballots that are voted either YES or NO  
12 shall be tallied as votes cast upon the question.

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

16       SECTION 3. The question to be printed on the ballot shall  
17 be as follows:

18       "Shall the state constitution be amended to provide that  
19 only ballots that are voted either YES or NO shall be  
20 counted in determining whether a proposed constitutional  
21 amendment has been adopted?"

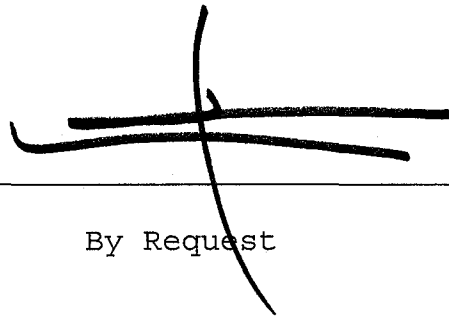


1 SECTION 4. Constitutional material to be repealed is  
2 bracketed and stricken. New constitutional material is  
3 underscored.

4 SECTION 5. This amendment shall take effect upon  
5 compliance with article XVII, section 3, of the Constitution of  
6 the State of Hawaii.

7

INTRODUCED BY: \_\_\_\_\_

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By Request



**Report Title:**

Constitutional Amendment; Ratification of Constitutional Amendments

**Description:**

Amends the state constitution to provide that only "yes" or "no" votes be counted in determining whether a constitutional amendment has been ratified.

