

JAN 26 2009

A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF HAWAII 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, CAMPAIGN FINANCE, ETHICS, REFERENDUM, REAPPORTIONMENT, LEGISLATIVE PROCESS, PUBLIC ACCESS TO INFORMATION, AND CAMPAIGN FINANCE, AND TO ESTABLISH A REFERENDUM.

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 Constitution of the State of Hawaii to add a
3 new article to provide for a citizens assembly and to authorize
4 the citizens assembly to propose constitutional and statutory
5 revision or amendments to the laws governing elections,
6 political campaigns, campaign finance, ethics, referendum,
7 reapportionment, legislative process, public access to
8 information, and campaign finance, and to establish a
9 referendum.

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

13 "ARTICLE 11.A

14 CITIZENS ASSEMBLY



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

6 The citizens assembly shall be composed of twenty-five
7 members who are registered voters in the State and who are
8 selected at random from population categories that are broadly
9 representative of the adult population of the State as to age,
10 gender, ethnicity, socioeconomic status, and geographical
11 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 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 relating to the
19 subjects of elections, political campaigns, campaign finance,
20 reapportionment, legislative process, ethics, and public access
21 to information.



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

4 Notwithstanding any provision in this constitution to the
5 contrary, the citizens assembly may submit one or more proposals
6 for revision or amendment of the constitution, together with any
7 related statutory changes, or for revision or amendment of
8 statutory law to the voters for approval by referendum in the
9 manner as provided herein.

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

15 REFERENDUM

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

20 Any proposal for revision or amendment of the constitution,
21 together with any related statutory changes, or for revision or
22 amendment of statutory law submitted by the citizens assembly to



1 the voters for approval shall embrace but one subject, which
2 shall be expressed in its title.

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

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

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

16 "LEGISLATIVE POWER

17 Section 1. The legislative power of the State shall be
18 vested in a legislature, which shall consist of two houses, a
19 senate and a house of representatives [~~Such power~~]; provided
20 that the citizens assembly shall have the power to propose
21 constitutional and statutory revision or amendments to the law
22 pursuant to Article 11.A. The legislative power shall extend to



1 all rightful subjects of legislation not inconsistent with this
2 constitution or the Constitution of the United States."

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

5 **"BILLS; ENACTMENT**

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

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

13 **"METHODS OF PROPOSAL**

14 Section 1. Revisions of or amendments to this constitution
15 may be proposed by constitutional convention [~~or~~], by the
16 legislature [~~or~~], or by the citizens assembly."

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

19 **"VETO**

20 Section 4. No proposal for amendment of the constitution
21 adopted in either manner provided by this article or by
22 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 campaign finance, reapportionment, legislative process,
3 ethics, public access to information, and to establish
4 referendum which is the process of referring a proposal for
5 revision or amendment of the constitution, together with
6 any related statutory changes, or for revision or amendment
7 of statutory law to the voters for final approval?"

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

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

14

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, campaign finance, ethics, referendum, reapportionment, legislative process, public access to information, and campaign finance, and to establish a referendum.

