

1 the case of an amendment to this constitution, of all votes
2 counted for all candidates for governor at the preceding general
3 election preceding the filing of the petition. The initiative
4 petition shall be filed with the chief election officer not
5 later than ninety days prior to the general election at which
6 the initiative is to be submitted directly to the people. All
7 initiative measures shall have printed above the title the
8 following:

9 "INITIATIVE MEASURE TO BE
10 SUBMITTED DIRECTLY TO THE PEOPLE."

11 Each initiative measure shall embrace but one subject,
12 which shall be expressed in its title. The enacting clause
13 shall be:

14 "BE IT ENACTED BY THE PEOPLE
15 OF THE STATE OF HAWAII."

16 The initiative measure shall be enacted into law when
17 approved by a majority of votes counted for the measure. If two
18 or more conflicting initiative measures shall be approved by the
19 people at the same election, the measure receiving the highest
20 number of votes shall prevail.

21 No initiative measure that names any individual to hold any
22 office, or names or identifies any private corporation to



1 perform any function or to have any power or duty, shall be
2 submitted or have any effect. No initiative measure shall be
3 submitted which pertains to land use issues.

4 An initiative measure proposing to prohibit a specific
5 activity or to terminate an existing statutory or regulatory
6 right or privilege shall be submitted to the people in such form
7 that they may vote in the affirmative if they favor the right to
8 engage in the activity or continuance of the right or privilege.

9 Prior to the circulation of any initiative petition for
10 signatures, a copy shall be submitted to the attorney general
11 who shall prepare a title and summary of the chief purpose and
12 aim of the proposed measure. The title shall not exceed ten
13 words and summary shall not exceed fifty words.

14 If, after an initiative petition is submitted to the
15 attorney general, any bill introduced into the legislature which
16 may be contrary as determined by the attorney general in either
17 form or essential substance to the initiative petition is
18 enacted into law, that law and that initiative measure shall be
19 submitted to the people in order that they may choose between
20 them. That contrary law shall remain in effect pending the
21 general election ballot. The measure receiving the highest
22 number of votes shall prevail. If the initiative measure is



1 approved, such contrary law shall be void. If any law is
2 enacted which is the same or similar to and accomplishes the
3 same purpose as an initiative measure as determined by the
4 attorney general, the chief election officer shall by a public
5 announcement declare the initiative measure void and order it
6 stricken from the ballot.

7 No initiative measure shall be filed with the chief
8 election officer which may be either similar or contrary in
9 either form or essential substance to a bill already introduced
10 into the legislature. If, after the adjournment of the
11 legislature sine die, such bill has not become law, or does not
12 carry over, an initiative measure of either similar or contrary
13 form may be filed with the chief election officer for submission
14 to the people.

15 A defeated initiative measure shall not be resubmitted to
16 the people by the initiative petition in either the same form or
17 essential substance, as determined by the attorney general,
18 either affirmatively or negatively for a period of two years.

19 All initiative petitions shall be submitted to the chief
20 election officer for certification. Each sheet containing
21 petitioners' signatures shall be attached to the title, summary
22 and text of the initiative petition. No laws shall be enacted



1 limiting the number of copies of a petition which may be
2 circulated. Any registered voter of this State shall be
3 competent to solicit signatures. The petition shall be signed
4 by registered voters. All signers shall add their address as
5 shown on their voter registration form and the date upon which
6 they sign the petition. Every sheet of the petition containing
7 signatures shall be verified by affidavit of the petition
8 circulator that each name on the sheet was signed in the
9 presence of the affiant and that in the belief of the affiant
10 each signer is a registered voter of the State. The chief
11 election officer shall certify that the signers are registered
12 voters of this State.

13 The chief election officer shall not release any petition
14 for inspection by the public or any governmental agency, except
15 where the supreme court orders inspection of such petition when
16 a question has been raised regarding the sufficiency of a
17 petition. If any petition under this section has been determined
18 to be insufficient, the petition shall be returned to the
19 circulators within thirty days of its filing with the notations
20 of specific insufficiencies.

21 Any measure under this section shall be presented to the
22 people in such a form that a "yes" vote, on a yes or no ballot,



1 shall indicate an affirmative vote for the measure as the
2 measure is written.

3 The initiative measure shall be effective, if approved, one
4 day after the election results are announced unless otherwise
5 provided for in the measure.

6 The veto power of the governor shall not extend to
7 initiative measures approved by the people. No measure enacted
8 by the people shall be repealed or amended by the legislature
9 unless otherwise provided in the measure; provided that the
10 people may amend an initiative at any time.

11 The petitioners shall bear all cost of the preparation and
12 circulation of the petition, except for the services performed
13 by the attorney general under this section. After the petition
14 has been filed with the chief election officer, all further
15 costs shall be part of the usual expenditures of the State."

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

18 **"LEGISLATIVE POWER**

19 **Section 1.** [The] Except as provided in article II,
20 section , the legislative power of the State shall be vested in
21 a legislature, which shall consist of two houses, a senate and a
22 house of representatives[. ~~Such power~~], but the people reserve



1 to themselves the powers of initiative as set forth in article
2 II, section . The legislative power and initiative power shall
3 extend to all rightful subjects of legislation not inconsistent
4 with this constitution or the Constitution of the United
5 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 shall be, "Be it enacted by the legislature of the State of
13 Hawaii."

14 SECTION 5. Article III, section 16, of the Constitution of
15 the State of Hawaii is amended to read as follows:

16 **"APPROVAL OR VETO**

17 **Section 16.** Every bill which shall have passed the
18 legislature shall be certified by the presiding officers and
19 clerks of both houses and shall thereupon be presented to the
20 governor. If the governor approves it, the governor shall sign
21 it and it shall become law. If the governor does not approve
22 such bill, the governor may return it, with the governor's



1 objections to the legislature. Except for items appropriated to
2 be expended by the judicial and legislative branches, the
3 governor may veto any specific item or items in any bill passed
4 by the legislature which appropriates money for specific
5 purposes by striking out or reducing the same; but the governor
6 shall veto other bills passed by the legislature, if at all,
7 only as a whole.

8 The governor shall have ten days to consider bills
9 presented to the governor ten or more days before the
10 adjournment of the legislature sine die, and if any such bill is
11 neither signed nor returned by the governor within that time, it
12 shall become law in like manner as if the governor had signed
13 it.

14 The governor shall not have the power of approval or veto
15 over any initiative measure adopted by the people, as is
16 provided for in article II, section .

17 **RECONSIDERATION AFTER ADJOURNMENT**

18 The governor shall have forty-five days, after the
19 adjournment of the legislature sine die, to consider bills
20 presented to the governor less than ten days before such
21 adjournment, or presented after adjournment, and any such bill
22 shall become law on the forty-fifth day unless the governor by



1 proclamation shall have given ten days' notice to the
2 legislature that the governor plans to return such bill with the
3 governor's objections on that day. The legislature may convene
4 at or before noon on the forty-fifth day in special session,
5 without call, for the sole purpose of acting upon any such bill
6 returned by the governor. In case the legislature shall fail to
7 so convene, such bill shall not become law. Any such bill may
8 be amended to meet the governor's objections and, if so amended
9 and passed, only one reading being required in each house for
10 such passage, it shall be presented again to the governor, but
11 shall become law only if the governor shall sign it within ten
12 days after presentation.

13 In computing the number of days designated in this section,
14 the following days shall be excluded: Saturdays, Sundays,
15 holidays and any days in which the legislature is in recess
16 prior to its adjournment as provided in section 10 of this
17 article."

18 SECTION 6. Article XVII, section 1, of the Constitution of
19 the State of Hawaii is amended to read as follows:

20 **"METHODS OF PROPOSAL**

21 **Section 1.** Revisions of or amendments to this constitution
22 may be proposed by constitutional convention, ~~[or]~~ by the



1 legislature[-] or by the people under article II, section ,
2 through the initiative process."

3 SECTION 7. Article XVII, section 4, of the Constitution of
4 the State of Hawaii is amended to read as follows:

5 "VETO

6 Section 4. No proposal for amendment of the constitution
7 adopted in either manner provided by this article or by article
8 II, section , on initiative, shall be subject to veto by the
9 governor."

10 SECTION 8. Article XVII, section 5, of the Constitution of
11 the State of Hawaii is amended to read as follows:

12 "CONFLICTING REVISIONS OR AMENDMENTS

13 Section 5. If a revision or amendment proposed by a
14 constitutional convention is in conflict with a revision or
15 amendment proposed by the legislature and both are submitted to
16 the electorate at the same election and both are approved, then
17 the revision or amendment proposed by the convention shall
18 prevail. If a revision or amendment proposed by the legislature
19 is in conflict with the revision or amendment proposed by the
20 people under article II, section , by initiative, and both are
21 approved, then the revision or amendment receiving the highest
22 number of votes shall prevail. If conflicting revisions or



1 amendments are proposed by the same body, or by the people under
 2 article II, section , on initiative, and are submitted to the
 3 electorate at the same election and both are approved, then the
 4 revision or amendment receiving the highest number of votes
 5 shall prevail."

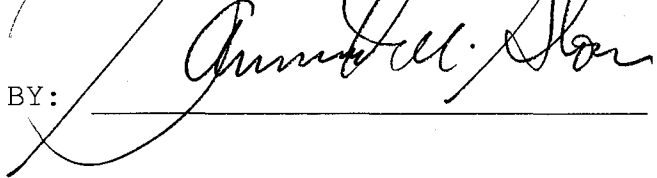
6 SECTION 9. The question to be printed on the ballot shall
 7 be as follows:

8 "Shall the State Constitution be amended to provide for
 9 initiative, which is the power of the people to introduce
 10 legislative measures?"

11 SECTION 10. Constitutional material to be repealed is
 12 bracketed and stricken. New constitutional material is
 13 underscored.

14 SECTION 13. This amendment shall take effect upon
 15 compliance with article XVII, section 3, of the Constitution of
 16 the State of Hawaii.

17

INTRODUCED BY: 



Report Title:

Initiative

Description:

Amends articles II, III, and XVII of the State constitution to provide for initiative.

