



1 at which the initiative is to be submitted directly to the  
2 people. All initiative measures shall have printed above the  
3 title the following:

4 "INITIATIVE MEASURE TO BE  
5 SUBMITTED DIRECTLY TO THE PEOPLE"

6 Each initiative measure shall embrace but one subject,  
7 which shall be expressed in its title. The enacting clause  
8 shall be:

9 "BE IT ENACTED BY THE PEOPLE  
10 OF THE STATE OF HAWAII"

11 The initiative measure shall be enacted into law when  
12 approved by a majority of votes counted for the measure. If two  
13 or more conflicting initiative measures shall be approved by the  
14 people at the same election, the measure receiving the highest  
15 number of votes shall prevail.

16 No initiative measure that names any individual to hold any  
17 office, or names or identifies any private corporation or  
18 individual to perform any function or to have any power or duty,  
19 shall be submitted or have any effect.

20 An initiative measure proposing to prohibit a specific  
21 activity or to terminate an existing right or privilege shall be  
22 submitted to the people in such form that they may vote in the



1 affirmative if they favor the right to engage in the activity or  
2 continuance of the right or privilege.

3 No initiative measure shall be filed with the chief  
4 election officer that may be similar or contrary in form or  
5 essential substance to a bill already introduced into the  
6 legislature. If after the adjournment of the legislature sine  
7 die the bill has not become law, or does not carry over, an  
8 initiative measure of similar or contrary form may be filed with  
9 the chief election officer for submission to the people.

10 If after an initiative request is made with the attorney  
11 general, any bill introduced into the legislature that may be  
12 contrary in form or essential substance to the initiative  
13 request is enacted into law, that law and that initiative  
14 measure shall be submitted to the people to vote to choose  
15 between them, except as provided in the last sentence of this  
16 paragraph. That contrary law shall remain in effect pending the  
17 general election ballot. The measure receiving the highest  
18 number of votes shall prevail. If the initiative measure is  
19 approved, the contrary law shall be void. If any law is enacted  
20 that is the same or similar to and accomplishes the same purpose  
21 as an initiative measure as determined by the attorney general,  
22 the chief election officer shall by a public announcement,



1 declare the initiative measure void and order it stricken from  
2 the ballot.

3 A defeated initiative measure shall not be resubmitted to  
4 the people by the initiative petition in the same form or  
5 essential substance, as determined by the attorney general, for  
6 a period of \_\_\_\_\_ years.

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

12 All initiative petitions shall be submitted to the chief  
13 election officer for certification. Each sheet containing  
14 petitioners' signatures shall be attached to the title, summary,  
15 and text of the initiative petition. No laws shall be enacted  
16 limiting the number of copies of a petition that may be  
17 circulated. Any registered voter of this State shall be  
18 competent to solicit signatures. The petition shall be signed  
19 only by registered voters. All signers shall add their address  
20 as shown on their voter registration form and the date upon  
21 which they sign the petition. Every sheet of the petition  
22 containing signatures shall be verified by affidavit of the



1 petition circulator that each name on the sheet was signed in  
2 the presence of the affiant and that in the belief of the  
3 affiant each signer is a registered voter of the State. The  
4 chief election officer shall certify that the signers are  
5 registered voters of this State.

6 The chief election officer shall not release any petition  
7 for inspection by the public or any governmental agency, except  
8 where the supreme court orders inspection of a petition when a  
9 question has been raised regarding the sufficiency of the  
10 petition. If any petition under this section has been  
11 determined to be insufficient, the petition shall be returned to  
12 the circulators within thirty days of its filing with the  
13 notations of specific insufficiencies.

14 Any measure under this section shall be presented to the  
15 people in such a form that a yes vote, on a yes or no ballot,  
16 shall indicate an affirmative vote for the measure as the  
17 measure is written.

18 The initiative measure shall be effective, if approved, one  
19 day after the election results are announced unless otherwise  
20 provided for in the measure.

21 The veto power of the governor shall not extend to  
22 initiative measures approved by the people. No measure enacted



1 by the people shall be repealed or amended by the legislature  
2 unless otherwise provided in the measure; provided that the  
3 people may amend an initiative at any time.

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

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

11 **"LEGISLATIVE POWER**

12 **Section 1.** The legislative power of the State shall be  
13 vested in a legislature, which shall consist of two houses, a  
14 senate and a house of representatives [~~Such power~~]; provided  
15 that the people reserve to themselves the power of initiative as  
16 set forth in Article II, Section . The legislative power and  
17 the power of initiative shall extend to all rightful subjects of  
18 legislation not inconsistent with this constitution or the  
19 constitution of the United States."

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

22 **"BILLS; ENACTMENT**





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

15           SECTION 8. The question to be printed on the ballot shall  
16 be as follows:

17           "Shall the State Constitution be amended to provide for the  
18 adoption of any law or constitutional amendment upon the  
19 submission of a petition signed by not less than  
20 percent in the case of a law, and not less than       percent  
21 in the case of an amendment to the Constitution, of all  
22 votes counted for the office of governor in the last







1 general election; allowing the chief election officer to  
 2 void an initiative if a law is enacted which is the same or  
 3 similar to the initiative and which accomplishes the same  
 4 purpose if the attorney general so determines but where a  
 5 law is contrary to the initiative is enacted both the  
 6 enactment and the initiative shall be submitted to vote;  
 7 prohibiting a defeated initiative measure from being  
 8 resubmitted within years after defeat; prohibiting the  
 9 legislature from amending or repealing an initiative  
 10 measure and the governor from vetoing an initiative  
 11 measure; and where the initiative measure is approved by a  
 12 majority of the votes counted?"

13 SECTION 9. Constitutional material to be repealed is  
 14 bracketed. New constitutional material is underscored.

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

18

INTRODUCED BY:

JAN 20 2011



**Report Title:**

Initiative

**Description:**

Proposes constitutional amendment to provide for initiative.  
Establishes provisions governing the initiative process.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

