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## A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION RELATING TO  
TALLYING VOTES.

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

1           SECTION 1. In *Hawaii State AFL-CIO v. Yoshina*, 935 P.2d 89  
2 (Haw. 1997), the Hawaii Supreme Court held that within the  
3 meaning of article XVII, section 2, of the Hawaii State  
4 Constitution, the term "ballots cast" includes blank ballots and  
5 over votes. The purpose of this Act is to propose an amendment  
6 to article XVII, section 2, of the Constitution of the State of  
7 Hawaii to exclude blank ballots, over votes, or otherwise  
8 spoiled ballots from the total number of votes counted for the  
9 purposes of article XVII, section 2.

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

**"CONSTITUTIONAL CONVENTION**

13           **Section 2.** The legislature may submit to the electorate at  
14 any general or special election the question, "Shall there be a  
15 convention to propose a revision of or amendments to the  
16 Constitution?" If any nine-year period shall elapse during  
17 which the question shall not have been submitted, the lieutenant



1 governor shall certify the question, to be voted on at the first  
2 general election following the expiration of such period.

3 **ELECTION OF DELEGATES**

4 If a majority of the [~~ballots cast~~] votes tallied upon such  
5 a question be in the affirmative, delegates to the convention  
6 shall be chosen at the next regular election unless the  
7 legislature shall provide for the election of delegates at a  
8 special election.

9 Notwithstanding any provision in this constitution to the  
10 contrary, other than Section 3 of Article XVI, any qualified  
11 voter of the district concerned shall be eligible to membership  
12 in the convention.

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



1 **MEETING**

2 The constitutional convention shall convene not less than  
3 five months prior to the next regularly scheduled general  
4 election.

5 **ORGANIZATION; PROCEDURE**

6 The convention shall determine its own organization and  
7 rules of procedure. It shall be the sole judge of the  
8 elections, returns and qualifications of its members and, by a  
9 two-thirds vote, may suspend or remove any member for cause.  
10 The governor shall fill any vacancy by appointment of a  
11 qualified voter from the district concerned.

12 **RATIFICATION; APPROPRIATIONS**

13 The convention shall provide for the time and manner in  
14 which the proposed constitutional revision or amendments shall  
15 be submitted to a vote of the electorate; provided that each  
16 amendment shall be submitted in the form of a question embracing  
17 but one subject; and provided further, that each question shall  
18 have designated spaces to mark YES or NO on the amendment.

19 At least thirty days prior to the submission of any  
20 proposed revision or amendments, the convention shall make  
21 available for public inspection, a full text of the proposed  
22 amendments. Every public library, office of the clerk of each



1 county, and the chief election officer shall be provided such  
2 texts and shall make them available for public inspection. The  
3 full text of any proposed revision or amendments shall also be  
4 made available for inspection at every polling place on the day  
5 of the election at which such revision or amendments are  
6 submitted.

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

10 The revision or amendments shall be effective only if  
11 approved at a general election by a majority of all the votes  
12 tallied upon the question, this majority constituting at least  
13 fifty per cent of the total vote cast at the election, or at a  
14 special election by a majority of all the votes tallied upon the  
15 question, this majority constituting at least thirty per cent of  
16 the total number of registered voters.

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

20 SECTION 3. The question to be printed on the ballot shall  
21 be as follows:



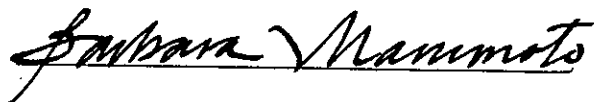
1 "Shall blank ballots, over votes, and otherwise spoiled  
2 ballots be excluded when tallying votes on whether to  
3 convene a constitutional convention?"

4 SECTION 4. Constitutional material to be repealed is  
5 bracketed and stricken. New constitutional material is  
6 underscored.

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

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INTRODUCED BY:



JAN 21 2011



**Report Title:**

Constitutional Amendment; Constitutional Convention; Vote Tally

**Description:**

Proposes an amendment to the Constitution of the State of Hawaii to exclude blank ballots, over votes, and otherwise spoiled ballots from the total number of votes counted for the question of whether a constitutional convention shall be convened.

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

