

SB 1195

TESTIMONY

**Testimony of the Office of the Public Defender, State of Hawaii,
to the Senate Committee on Judiciary and Labor**

February 7, 2011

**S.B. No. 1195: PROPOSING AN AMENDMENT TO ARTICLE XVII OF
 THE CONSTITUTION OF THE STATE OF HAWAII**

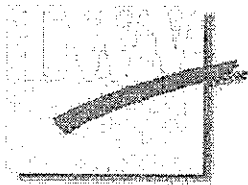
Chair Hee and Members of the Committee:

We oppose the passage of S.B. No. 1195 which seeks to end the rule of counting blank ballots as “NO” votes on the issue of proposed amendments to the state constitution. Because Article XVII currently states that a constitutional amendment shall be effective only if approved by a majority of all votes tallied upon the question, “YES” votes must outnumber both “NO” votes and blank votes combined. S.B. No. 1195 seeks to change this process by providing that votes tallied on the question shall only consist of ballots upon which either “YES” or “NO” are entered.

We believe that the current process for amending the constitution should remain in effect. Provisions of the state constitution deal with very important, fundamental rights which affect all citizens. The turnout of registered voters in the last general election was a little over 40%. Thus, it is unfortunate that a minority of the electorate is currently involving itself in our elections. The electorate itself only represents a small portion of our state’s population. If, in addition to this factor, some of those who actually vote are either indifferent toward proposed constitutional amendments or feel uninformed to the extent that they refrain from voting on these measures, their blank votes should weigh against the proposed amendment.

The current provisions of the constitution assure us that if our fundamental rights are to be changed, at least a majority of the electorate who cast ballots is in favor of the change. S.B. No. 1195 would do away with that assurance and could allow interest groups to easily amend the constitution to suit their needs.

Thank for the opportunity to comment on this measure.



THE LEAGUE OF WOMEN VOTERS OF HAWAII

TESTIMONY ON SB 1195 PROPOSING AN AMENDMENT TO ARTICLE XVII OF THE
CONSTITUTION OF THE STATE OF HAWAII

Committee on Judiciary and Labor

Date: Monday, February 07, 2011

Time: 10:00 a.m.

Place: Conference Room 016

Testifier: Jean Aoki, LWV Legislative Committee

Chair Hee, Vice Chair Shimabukuro, members of the Committee on Judiciary and Labor,

The League of Women Voters of Hawaii strongly opposes SB 1195 which would make it much easier to amend the Constitution of the State of Hawaii.

State constitutions are meant to provide the structure of government, express certain principles we hold important, and to reserve certain rights to all of the people of this state. Whereas the Federal Constitution gives certain rights to the federal government, rights that our original thirteen colonies were willing to cede to this new national government, state constitutions put limitations on state governments. This is important because otherwise, government would be too powerful.

The Federal Constitution is very difficult to amend as we all realized when we tried to pass the Equal Rights Amendment which would have given women rights equal to those which men enjoy. State Constitutions are easier to amend, and while constitutions are supposed to be brief without detailed provisions better left for legislators to enact in the form of statutes, some states have gone overboard until their constitutions are too long and restrictive which makes governance difficult for legislators and the executive branch. Some of them need revision very badly, but are facing difficulty in doing so.

Hawaii's constitution is somewhere in the middle as far as length is concerned in comparison to that of other states. More amendments easier to ratify would mean more restrictions or maybe the removal of some restrictions. Whichever, changes should be only be made after careful consideration, and the more votes required for the changes, the less the prospect of dreadful errors of judgement.

Please hold this bill in committee. Thank you for this opportunity to testify.

SENATE COMMITTEE ON JUDICIARY AND LABOR
February 7, 2011, 10:00 A.M.
Room 016

TESTIMONY IN SUPPORT OF SB1195

Chair Hee and members of the Committee:

I strongly support SB 1195, a measure which proposes a constitutional amendment that would prohibit the counting of blank votes and over votes in determining whether a proposed constitutional amendment has been ratified.

The bill would clarify what most residents of Hawaii consider to be common sense in that only Yes and No votes properly cast would count towards deciding these important matters.
I respectfully ask this committee to pass SB 1195.

Thank you for the opportunity to testify.
Richard L. Davis

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 05, 2011 7:40 AM
To: JDLTestimony
Cc: kevink59@gmail.com
Subject: Testimony for SB1195 on 2/7/2011 10:00:00 AM

Testimony for JDL 2/7/2011 10:00:00 AM SB1195

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Kevin Kelly
Organization: Individual
Address: PO Box 447 Kahuku, Hawaii
Phone: 808-383-4481
E-mail: kevink59@gmail.com
Submitted on: 2/5/2011

Comments:
TESTIMONY IN SUPPORT OF SB1195

Chair Hee and members of the Committee:

I strongly support SB 1195. Prohibiting the counting of blank votes and over votes in determining whether a proposed constitutional amendment has been ratified only makes sense. 'Yes' votes and 'No' votes are all that should be counted in a fair and reasonable election.

Thank you for the opportunity to testify.
Kevin Kelly

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 05, 2011 7:46 AM
To: JDLEvidence
Cc: memagoodin@yahoo.com
Subject: Testimony for SB1195 on 2/7/2011 10:00:00 AM

Testimony for JDL 2/7/2011 10:00:00 AM SB1195

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Carolyn Goodin
Organization: Individual
Address: Waihee Place Kaneohe
Phone: 8082392115
E-mail: memagoodin@yahoo.com
Submitted on: 2/5/2011

Comments:

I strongly support the measure to count only yes or no votes and prohibit the counting of blank and over votes in the ratification process of proposed amendments to the state constitution. By counting everything, it not only confuses the voters, but also skews the results of these questions. Counting on a large number of blank votes, the proposer can tilt the results into his favor by allowing the blank votes to be used to that advantage. It just make sense that yes and no votes should only be counted in determining these important amendments to the State Constitution. Thank you. Sincerely Carolyn Goodin Kaneohe, Hawaii

From: Pat Beekman [beekmanp001@hawaii.rr.com]
Sent: Saturday, February 05, 2011 10:27 AM
To: JDLTestimony
Subject: Support SB1195

TESTIMONY IN SUPPORT OF SB1195

Chair Hee and members of the Committee:

I strongly support SB 1195, a measure which proposes a constitutional amendment that would prohibit the counting of blank votes and over votes in determining whether a proposed constitutional amendment has been ratified.

The bill would clarify what most residents of Hawaii consider to be common sense in that only Yes and No votes properly cast would count towards deciding these important matters.

I respectfully ask this committee to pass SB 1195.

Thank you for the opportunity to testify.

Patricia Beekman
Aiea, Hawaii 96701 (Councilman Breene Harimoto's district)

From: Bodo [KlausVanDerLeeden@msn.com]
Sent: Saturday, February 05, 2011 10:33 AM
To: JDLTestimony
Subject: *****SPAM***** TESTIMONY IN SUPPORT OF SB1195

SENATE COMMITTEE ON JUDICIARY AND LABOR
February 7, 2011, 10:00 A.M.
Room 016

TESTIMONY IN SUPPORT OF SB1195

Chair Hee and members of the Committee:

I strongly support SB 1195, a measure which proposes a constitutional amendment that would prohibit the counting of blank votes and over votes in determining whether a proposed constitutional amendment has been ratified.

The bill would clarify what most residents of Hawaii consider to be common sense in that only Yes and No votes properly cast would count towards deciding these important matters.

I respectfully ask this committee to pass SB 1195.

Thank you for the opportunity to testify.

Klaus B. Van Der Leeden
57-101 Kuilima Loop West, #84
Kahuku, Hawaii 96731
808 293-7868

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 05, 2011 6:47 PM
To: JDLTestimony
Cc: thirr33@gmail.com
Subject: Testimony for SB1195 on 2/7/2011 10:00:00 AM
Attachments: 170px-Shoninki24_-_disguises.gif; Buddhist Register.jpg

Testimony for JDL 2/7/2011 10:00:00 AM SB1195

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Arvid Tadao Youngquist
Organization: The Mestizo Association
Address:
Phone:
E-mail: thirr33@gmail.com
Submitted on: 2/5/2011

Comments:

Chair and Vice Chair, Senate Judiciary and Labor Committee, State of Hawaii Honorable Members of the Committee

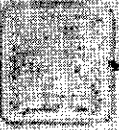
We support this proposal to remedy and stumbling block to having the people's will properly recorded.

Mahalo for this opportunity to provide this written testimony.

Me Ke Aloha Pumehana,

Arvid Tadao Youngquist
Kalihi Valley resident

一 漢 花 筆 年



成 發

漢 花 筆 年

同 年



盛 登

盛 登

同 年



盛 登

盛 登

同 年



同 泰

同 泰

同 年



成 發

成 發

同 年



同 年

同 年

同 年



同 年

同 年

同 年



同 年

同 年

同 年



同 年

同 年

同 年



同 年

同 年

同 年



同 年

同 年

一 心 附

心附於物則物為我矣

一 心 卷

心者身之主也

一 心 卷

心者身之主也

一 心 卷

心者身之主也

一 心 卷

心者身之主也

一 心 卷

心者身之主也

一 心 卷

心者身之主也

From: Jennifer Damm [jenidamm@aol.com]
Sent: Sunday, February 06, 2011 8:29 AM
To: JDLTestimony
Subject: SB 1195

Chair Hee and members of the Committee:

I strongly support SB 1195, a measure which proposes a constitutional amendment that would prohibit the counting of blank votes and over votes in determining whether a proposed constitutional amendment has been ratified.

The bill would clarify what most residents of Hawaii consider to be common sense in that only Yes and No votes properly cast would count towards deciding these important matters.

I respectfully ask this committee to pass SB 1195.

Thank you for the opportunity to testify.

Jennifer Damm