A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION RELATING TO RATIFICATION OF CONSTITUTIONAL AMENDMENTS.

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 Hawaii constitution to establish that only
- 3 "yes" or "no" votes shall be counted for purposes of determining
- 4 whether the electorate has ratified a proposed amendment to the
- 5 constitution.
- 6 SECTION 2. Article XVII, section 2, of the Constitution of
- 7 the State of Hawaii is amended to read as follows:
- 8 "CONSTITUTIONAL CONVENTION
- 9 Section 2. The legislature may submit to the electorate at
- 10 any general or special election the question, "Shall there be a
- 11 convention to propose a revision of or amendments to the
- 12 Constitution?" If any nine-year period shall elapse during
- 13 which the question shall not have been submitted, the lieutenant
- 14 governor shall certify the question, to be voted on at the first
- 15 general election following the expiration of such period.
- 16 ELECTION OF DELEGATES

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1 If a majority of the ballots cast upon such a question be 2 in the affirmative, delegates to the convention shall be chosen 3 at the next regular election unless the legislature shall 4 provide for the election of delegates at a special election. 5 Notwithstanding any provision in this constitution to the 6 contrary, other than Section 3 of Article XVI, any qualified 7 voter of the district concerned shall be eligible to membership 8 in the convention. 9 The legislature shall provide for the number of delegates 10 to the convention, the areas from which they shall be elected 11 and the manner in which the convention shall convene. The legislature shall also provide for the necessary facilities and 12 equipment for the convention. The convention shall have the 13 14 same powers and privileges, as nearly as practicable, as 15 provided for the convention of 1978. 16 MEETING The constitutional convention shall convene not less than 17 five months prior to the next regularly scheduled general 18 19 election. 20 ORGANIZATION; PROCEDURE 21 The convention shall determine its own organization and

rules of procedure. It shall be the sole judge of the

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- 1 elections, returns and qualifications of its members and, by a
- 2 two-thirds vote, may suspend or remove any member for cause.
- 3 The governor shall fill any vacancy by appointment of a
- 4 qualified voter from the district concerned.

5 RATIFICATION; APPROPRIATIONS

- 6 The convention shall provide for the time and manner in
- 7 which the proposed constitutional revision or amendments shall
- 8 be submitted to a vote of the electorate; provided that each
- 9 amendment shall be submitted in the form of a question embracing
- 10 but one subject; and provided further, that each question shall
- 11 have designated spaces to mark YES or NO on the amendment.
- 12 At least thirty days prior to the submission of any
- 13 proposed revision or amendments, the convention shall make
- 14 available for public inspection, a full text of the proposed
- 15 amendments. Every public library, office of the clerk of each
- 16 county, and the chief election officer shall be provided such
- 17 texts and shall make them available for public inspection. The
- 18 full text of any proposed revision or amendments shall also be
- 19 made available for inspection at every polling place on the day
- 20 of the election at which such revision or amendments are
- 21 submitted.

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1	The convention shall, as provided by law, be responsible
2	for a program of voter education concerning each proposed
3	revision or amendment to be submitted to the electorate.
4	The revision or amendments shall be effective only if
5	approved at a general election by a majority of all the votes
6	[tallied] cast upon the question, [this majority constituting at
7	least fifty per cent of the total vote east at the election, or
8	at a special election by a majority of all the votes [tallied]
9	cast upon the question, this special election majority
10	constituting at least thirty per cent of the total number of
11	registered voters. Only ballots that are voted either YES or NO
12	shall be tallied as votes cast upon the question.
13	The provisions of this section shall be self-executing, but
14	the legislature shall make the necessary appropriations and may
15	enact legislation to facilitate their operation."
16	SECTION 3. The question to be printed on the ballot shall
17	be as follows:
18	"Shall the state constitution be amended to provide that
19	only ballots that are voted either YES or NO shall be
20	counted in determining whether a proposed constitutional
21	amendment has been adopted?"



- 1 SECTION 4. Constitutional material to be repealed is
- 2 bracketed and stricken. New constitutional material is
- 3 underscored.

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- 4 SECTION 5. This amendment shall take effect upon
- 5 compliance with article XVII, section 3, of the Constitution of
- 6 the State of Hawaii.

INTRODUCED BY:

JAN 1 3 2012

H.B. NO. 1766

Report Title:

Constitutional Amendments; Ratification of Constitutional Amendments; City and County of Honolulu Package

Description:

Amends the state constitution to provide that only "yes" or "no" votes be counted in determining whether a constitutional amendment has been ratified.

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