

JAN 21 2011

A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE XVII, SECTION 2, OF THE HAWAII STATE CONSTITUTION, TO CHANGE THE METHOD OF TABULATING BALLOTS FOR PROPOSED 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 article XVII, section 2 of the Constitution of the
3 State of Hawaii to change the method of tabulating ballots for
4 approval or rejection of a proposed constitutional amendment so
5 that any blank, spoiled, or invalid ballot shall not be counted
6 in ratification of a constitutional amendment.

7 SECTION 2. Article 17, section 2, of the Constitution of
8 the State of Hawaii is amended to read as follows:

9 **"CONSTITUTIONAL CONVENTION**

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

17 **ELECTION OF DELEGATES**



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
12 legislature shall also provide for the necessary facilities and
13 equipment for the convention. The convention shall have the
14 same powers and privileges, as nearly as practicable, as
15 provided for the convention of 1978.

16 **MEETING**

17 The constitutional convention shall convene not less than
18 five months prior to the next regularly scheduled general
19 election.

20 **ORGANIZATION; PROCEDURE**

21 The convention shall determine its own organization and
22 rules of procedure. It shall be the sole judge of the

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.



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 upon the question, this majority constituting at least~~
7 ~~fifty per cent of the total vote cast at the election~~], or at a
8 special election by a majority of [all] the yes votes tallied
9 upon the question, this majority constituting at least thirty
10 per cent of the total number of registered voters.

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

14 SECTION 3. The question to be printed on the ballot shall
15 be as follows:

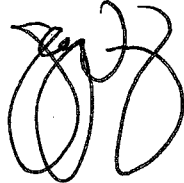
16 "Shall the method of tabulating ballots for approval or
17 rejection of a proposed constitutional amendment be changed
18 so that blank, spoiled, or invalid ballots are not tallied
19 as votes cast for approval or rejection of the proposed
20 amendment?"



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

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.

7

INTRODUCED BY: Shiranne Chun Oakland




Report Title:

Ratification of Constitutional Amendment

Description:

Amends the Hawaii State Constitution to require a majority of more than fifty per cent of votes cast to ratify a proposed constitutional amendment and to exclude blank, spoiled, or invalid ballots from the tally of votes cast.

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