

SB. NO. 1024

JAN 24 2013

A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE XVII, SECTION 3, OF THE
CONSTITUTION OF THE STATE OF HAWAII.

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

1 SECTION 1. Article XVII, section 3, of the Constitution of
2 the State of Hawaii is amended to read as follows:

3 **"AMENDMENTS PROPOSED BY LEGISLATURE**

4 **Section 3.** The legislature may propose amendments to the
5 constitution by adopting the same, in the manner required for
6 legislation, by a two-thirds vote of each house on final reading
7 at any session, after either or both houses shall have given the
8 governor at least ten days' written notice of the final form of
9 the proposed amendment, or, with or without such notice, by a
10 majority vote of each house on final reading at each of two
11 successive sessions.

12 Upon such adoption, the proposed amendments shall be
13 entered upon the journals, with the ayes and noes, and published
14 once in each of four successive weeks in at least one newspaper
15 of general circulation in each senatorial district wherein such
16 a newspaper is published, within two months' period immediately
17 preceding the next general election.

1 At such general election the proposed amendments shall be
2 submitted to the electorate for approval or rejection upon a
3 separate ballot.

4 ~~[The conditions of and requirements for ratification of~~
5 ~~such proposed amendments shall be the same as provided in~~
6 ~~section 2 of this article for ratification at a general~~
7 ~~election.]~~ The full text of any proposed amendment shall be
8 made available for inspection on the website of the office of
9 elections at least days before such general election. Each
10 amendment shall be submitted in the form of a question embracing
11 but one subject; and provided further that each question shall
12 have designated spaces to mark YES or NO on the amendment.

13 The amendment shall be effective only if approved at a
14 general election by a majority of the votes tallied upon the
15 question, this majority constituting at least fifty per cent of
16 the total votes cast at the election, or at a special election
17 by a majority of all the votes tallied upon the question, this
18 majority constituting at least thirty per cent of the total
19 number of registered voters. Only affirmative and negative
20 votes shall be tallied upon the question; blank ballots and
21 spoiled ballots shall not be tallied upon the question.

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


4 SECTION 2. The question to be printed on the ballot shall
5 be as follows:

6 "Shall Hawaii's constitutional provisions regarding
7 approving of or ratifying constitutional amendments
8 proposed by the legislature be amended to provide that only
9 yes or no votes be counted in determining whether or not a
10 majority of votes have approved or ratified an amendment?"

11 SECTION 3. Constitutional material to be repealed is
12 bracketed and stricken. New constitutional material is
13 underscored.

14 SECTION 4. This amendment shall take effect upon
15 compliance with article XVII, section 3, of the Constitution of
16 the State of Hawaii.

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INTRODUCED BY: 

BY REQUEST

Report Title:

Constitution of the State of Hawaii; Amendments Proposed by the Legislature

Description:

Proposes a constitutional amendment to provide that only yes or no votes be counted in determining whether or not a majority of votes have approved ratifying or approving an amendment to the Constitution of the State of Hawaii that has been proposed by the Legislature.

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

JUSTIFICATION SHEET

DEPARTMENT: ATTORNEY GENERAL

TITLE: A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE XVII, SECTION 3, OF THE CONSTITUTION OF THE STATE OF HAWAII.

PURPOSE: To propose an amendment to article XVII, section 3, of the Constitution of the State of Hawaii to provide that for constitutional amendments proposed by the Legislature, only affirmative and negative votes are to be tallied upon the question and blank ballots and spoiled ballots shall not be tallied upon the question.

MEANS: Amend article XVII, section 3, of the Constitution of the State of Hawaii.

JUSTIFICATION: By removing the inclusion of blank ballots and spoiled ballots (overvotes), the amendment will resolve the present anomaly of treating blank ballots and spoiled ballots functionally as NO votes, in the context of determining whether a proposed constitutional amendment has been ratified.

GENERAL FUND: None.

OTHER FUNDS: None.

OTHER AFFECTD AGENCIES: Office of Elections.

PPBS PROGRAM DESIGNATION: None.

EFFECTIVE DATE: Upon compliance with article XVII, section 3, of the Constitution of the State of Hawaii.