

Honolulu, Hawaii

March 22, 2013

RE: S.B. No. 982
S.D. 1
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 982, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to amend the constitutional requirement for the approval of a legislatively proposed constitutional amendment by majority vote at a general election by specifying that:

- (1) An amendment shall be effective only if approved by a majority of all the votes tallied upon the question;
- (2) The number of votes tallied upon the question in comparison with the number of votes cast at the general election is a percentage that is at least equal to the percentage of votes tallied upon legislatively proposed constitutional amendments in comparison to the votes cast at the general election in which amendments were voted on in the immediately preceding ten years; and
- (3) Only "yes" and "no" votes will be counted on the question, and blank and spoiled ballots will not be considered.



The Office of the Public Defender, American Civil Liberties Union of Hawai'i, League of Women Voters of Hawaii, Progressive Democrats of Hawai'i, and one concerned individual submitted testimony in opposition to the measure. The Department of the Attorney General and Department of the Prosecuting Attorney of the City and County of Honolulu provided comments.

Your Committee circulated a Proposed S.B. No. 982, H.D. 1 (proposed draft) at the hearing that:

- (1) Removes language requiring that the percentage of the votes tallied upon the constitutional amendment in relation to the number of total votes cast at the general election be at least equal to the percentage of votes tallied upon proposed constitutional amendments in relation to the total votes cast in the last ten years;
- (2) Specifies that the votes tallied on the question of the amendment shall include only yes or no votes;
- (3) Amends the proposed ballot question to accurately reflect the proposed constitutional amendment; and
- (4) Makes technical, nonsubstantive amendments for clarity, consistency, and style.

Your Committee considered the merits of the measure as received by your Committee, and the proposed draft, and adopted the proposed draft.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 982, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 982, S.D. 1, H.D. 1, and be referred to the Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



