



LEAGUE OF  
WOMEN VOTERS\*

# LATE TESTIMONY

## *League of Women Voters of Hawaii*

49 South Hotel Street, Room 314 | Honolulu, HI 96813

www.lwv-hawaii.com | 808.531.7488 | voters@lwvhawaii.com

### COMMITTEE ON JUDICIARY AND LABOR

Senator Clayton Hee, Chair and Senator Maile S.L. Shimabukuro, Vice Chair

Tuesday, January 29, 2013, 9:30 A.M., Conference Room 016

SB 982 PROPOSING AN AMENDMENT TO ARTICLE XV11, SECTION 3, OF THE CONSTITUTION OF  
THE STATE OF HAWAII

### TESTIMONY

Jean Aoki, Legislative Committee Member, League of Women Voters of Hawaii

Chair Hee, Vice Chair Shimabukuro, members of the Judiciary & Labor Committee, the **League of Women Voters of Hawaii would like to comment on SB 982**, which proposes an amendment to our State Constitution.

We are hard-pressed in trying to understand the intent of this bill. At first glance, we thought this must be an attempt to make it easier for voters to ratify constitutional amendments proposed by the Legislature as compared to those proposed by a constitutional convention. However, careful and repeated readings of the passages seem to indicate that the amendment does not achieve that purpose.

The question on the ballot for this proposed amendment is "Shall only yes or no votes be counted in determining whether or not a majority of voters have approved or ratified constitutional amendment proposed by the legislature?"

This proposed amendment seems to be based on the mistaken assumption that blank ballots are counted as "no" votes. Should this proposed amendment be ratified by voters, it will not change the vote requirement as stated in our constitution and in this proposed amendment.

The pertinent passage of the proposed amendment is found on page 2, line 13 – 16. It reads, **The amendment shall be effective only if approved at a general election by a majority of the votes tallied upon the question, this majority constituting at least fifty per cent of the total votes cast at the election,**

(I am not citing the requirement for special elections that follow the above passage since anyone who votes in a special election designed for that one purpose of voting on constitutional amendments is not going to turn in a blank ballot.)

The clause, **this majority constituting at least fifty percent of the total votes cast at the election,**



LEAGUE OF  
WOMEN VOTERS\*

*League of Women Voters of Hawaii*

49 South Hotel Street, Room 314 | Honolulu, HI 96813

[www.lwv-hawaii.com](http://www.lwv-hawaii.com) | 808.531.7488 | [voters@lwvhawaii.com](mailto:voters@lwvhawaii.com)

makes it clear that counting or not counting blank ballots as "no" votes makes no difference. If a thousand voters go to the polls, and five hundred of them vote "yes," if even one ballot is blank or spoiled, the amendment passes because 500 is larger than 499. In this case, the one blank ballot was as good as a "no" vote, but it was not counted as a "no" vote, for if it were counted, we would have a tie. I'm not sure what happens in a situation like this where there is a tie.

Before 1980, the vote requirement figure was, I believe, thirty-five per cent. The yes votes had to be more than the no votes, and the yes votes had to be at least thirty-five percent of all ballots cast in the election. The Legislature placed the amendment increasing the vote requirement to fifty per cent of the ballot in 1980 because the legislators believed that amendments to the document which is the highest law of this state should not be made lightly. They believed that more of our voters needed to be engaged in giving the proposals serious consideration and to help make the decisions to ratify them or not.

The League of Women Voters firmly believe that if we treat each proposed amendment to the constitution seriously and carefully, being aware of all of the consequences of the change, the need to constantly amend this document should decrease until we decide one day, that it is time to review the whole document.

Unless we have misread this whole bill, we would suggest that it be held in committee. Thank you for this opportunity to comment on this bill.