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## A BILL FOR AN ACT

RELATING TO INFORMED VOTING.

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

1           SECTION 1. The legislature finds that as part of the  
2    ratification process for any amendment to the state constitution  
3    or the respective counties' charters, each proposed amendment  
4    shall appear on a state or county ballot during an election. As  
5    the ratification requirement gives voters the chance to accept  
6    or reject the proposed amendments, it acts as a mechanism to  
7    prevent elected officials from changing core foundational  
8    documents on a political whim, and makes the public a crucial  
9    part of the amendment process.

10           The legislature also finds, however, that the general  
11    voting public may not fully understand what the proposed  
12    amendments intend to accomplish, especially if they are  
13    particularly complex or technical. Further, members of the  
14    public may not be familiar enough with the issues underlying the  
15    proposed amendments to take a position on the wisdom of the  
16    amendments.



1           The purpose of this Act, therefore, is to assist voters in  
2 making informed decisions on proposed amendments by requiring  
3 the office of elections to publish:

4           (1) Ballot pamphlets that contain "plain language"  
5 summaries of all proposed constitutional and charter  
6 amendments that appear on a ballot; and

7           (2) A website that incorporates the information contained  
8 in the ballot pamphlets, and that also allows the  
9 public to contribute arguments both in favor of and  
10 against the proposed amendments.

11           SECTION 2. Chapter 11, Hawaii Revised Statutes, is amended  
12 by adding two new sections to be appropriately designated and to  
13 read as follows:

14           "11-A Ballot pamphlets for proposed amendments. (a)

15 Before the thirtieth day before any election day, the chief  
16 election officer shall publish a ballot pamphlet if at least:

17           (1) One proposed amendment to the state constitution  
18           appears on the ballot issued by the chief election  
19           officer; or

20           (2) One proposed amendment to a county charter appears on  
21           the ballot issued by the county clerk.

22           (b) Each ballot pamphlet shall contain, at a minimum:



- 1        (1) A complete copy of each proposed amendment;
- 2        (2) A complete copy of the specific constitutional or
- 3                charter provision that would be amended or repealed by
- 4                the proposed amendment; and
- 5        (3) An accurate summary that is reasonably understandable
- 6                for the average layperson, explaining the content of
- 7                the proposed amendment without supporting or opposing
- 8                the proposed amendment; provided that the summary
- 9                shall be prepared by:
- 10                (A) The legislature in the case of a proposed
- 11                        amendment to the state constitution; or
- 12                (B) The county clerk or the county clerk's designee
- 13                        in the case of a proposed amendment to a county's
- 14                        charter.

15        **11-B Election websites for proposed amendments.**    (a) The  
16 office of elections shall publish a website that shall include,  
17 at a minimum:

- 18        (1) All the information from any ballot pamphlet on
- 19                proposed amendments published pursuant to section 11-
- 20                A;
- 21        (2) An interactive destination where members of the public
- 22                may express support, opposition, or comments on the



1           proposed constitutional or charter amendments that are  
2           the subject of the ballot pamphlet; and

3           (3) Hyperlinks to testimony submitted to the legislature  
4           or respective county councils regarding the proposed  
5           amendments as those amendments advanced through the  
6           legislative process, provided that the chief elections  
7           officer shall clearly designate, when necessary, if a  
8           particular piece of testimony refers to a previous  
9           draft of a proposed amendment.

10           (b) Notwithstanding the requirements of section (a)(2),  
11 the office of elections may delete content that is obviously:

12           (1) An unsolicited advertisement for services;

13           (2) Irrelevant to the discussion of the proposed  
14           amendments; or

15           (3) Obscene."

16           SECTION 3. In codifying the new sections added by section  
17 2 of this Act, the revisor of statutes shall substitute  
18 appropriate section numbers for the letters used in designating  
19 the new sections in this Act.

20           SECTION 4. New statutory material is underscored.

21           SECTION 5. If any provision of this Act, or the  
22 application thereof to any person or circumstance, is held



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1 invalid, the invalidity does not affect other provisions or  
 2 applications of the Act that can be given effect without the  
 3 invalid provision or application, and to this end the provisions  
 4 of this Act are severable.

5 SECTION 6. This Act shall take effect upon its approval.  
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JAN 18 2013



# H.B. NO. 300

**Report Title:**

State Constitution; County Charters; Information on Amendments

**Description:**

Requires the publication of information on the proposed constitutional or proposed charter amendments that appear on an election ballot.

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

