

JAN 17 2014

S.B. NO. 2360

A BILL FOR AN ACT

RELATING TO ENABLING LEGISLATION BY THE PEOPLE.

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

1 SECTION 1. The Hawaii Revised Statutes is amended by
2 adding a new charter to be appropriately designated and to read
3 as follows:

4 "CHAPTER

5 INITIATIVE AND REFERENDUM

6 § -1 **Initiative.** (a) A statutory amendment or
7 constitutional amendment may be proposed by an initiative
8 petition, signed by registered voters equal in number to at
9 least three per cent of the total votes cast in the most recent
10 election for governor, in the case of a statutory amendment; or
11 at least five per cent of the total votes cast in the most
12 recent election for governor, in the case of a constitutional
13 amendment. A petition for initiative or referendum shall be
14 signed by voters in each congressional district.

15 (b) The petition shall include the voter's signature, the
16 voter's printed name, residence address, last four digits of the
17 petitioner's social security number, and the date of signing.

18 Signatures may be on separate sheets, but each sheet shall have



1 appended to it the affidavit of a person, not necessarily a
2 signer of the petition, that, to the best of the affiant's
3 knowledge and belief, the persons whose signatures appear on the
4 sheet are duly registered voters of the State, that they signed
5 with full knowledge of the contents of the petition, and that
6 their residences are correctly given.

7 No entity or agent shall circulate or cause to be
8 circulated a petition for initiative or referendum in lieu of or
9 on behalf of any voter.

10 The petition shall set forth a measure for the proposed
11 statutory or constitutional amendment which shall be attached
12 and made a part of such petition; provided that a copy of the
13 proposed statutory or constitutional amendment shall first be
14 submitted to the attorney general who shall review and revise
15 the draft as necessary, and approve the draft to ensure that the
16 draft is legally and technically sufficient.

17 Upon filing of the petition with the office of elections,
18 the chief election officer shall examine it to see whether it
19 contains a sufficient number of apparently genuine signatures of
20 duly registered voters. The chief election officer may question
21 the genuineness of any signature or signatures appearing on the
22 petition, and if the chief election officer finds that any such



1 signature or signatures are not genuine, the chief election
2 officer, after public disclosure of the signatures in question,
3 shall disregard them in determining whether the petition
4 contains a sufficient number of signatures.

5 The chief election officer shall eliminate any sheet of the
6 petition that is not accompanied by the required affidavit. The
7 invalidity of any sheet shall not affect the validity of the
8 petition if a sufficient number of signatures remains after
9 eliminating such invalid sheet. The chief election officer
10 shall complete the examination of the petition within twenty
11 working days after the date of filing with the office of
12 elections.

13 A final determination as to the sufficiency or validity of
14 the petition shall be subject to court review.

15 (c) The proposed measure, after approval by the attorney
16 general, shall be filed with the office of elections at least
17 ninety days prior to the general election. The proposed measure
18 shall be submitted to voters at the next general election.

19 (d) Any proposed statutory or constitutional amendment
20 that is approved by the majority of voters voting thereon shall
21 be deemed enacted, and shall become effective ten days after
22 certification of the results of the election. In the event that



1 two or more proposed statutory or constitutional amendments
2 conflict with each other in whole or in part and each is
3 approved by a majority of the voters voting thereon, the
4 proposed amendment receiving the highest number of votes shall
5 be adopted and shall take effect as aforesaid.

6 (e) A statutory or constitutional amendment that is deemed
7 enacted by initiative or referendum shall not be subject to
8 veto, notwithstanding article III, section 16, of the Hawaii
9 State Constitution.

10 § -2 **Referendum.** (a) In the case of a bill that has
11 passed the legislature, the voters may petition for a referendum
12 to approve the bill in the same manner as provided for an
13 initiative, except that:

- 14 (1) No bill shall be attached to the petition; and
15 (2) The petition shall be filed with the office of
16 elections within forty days following adjournment of
17 the general or special session in which the bill is
18 passed.



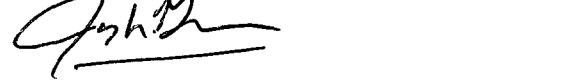
19 (b) The bill passed by the legislature under subsection
20 (a) shall not become law unless the referendum is approved in
21 accordance with this section, notwithstanding article III,
22 section 15, of the Hawaii State Constitution."



1 SECTION 2. This Act shall take effect upon its approval
2 and upon ratification of a constitutional amendment enabling
3 legislation by the people.

4

INTRODUCED BY:



S.B. NO. 2360

Report Title:

Initiative; Referendum

Description:

Provides for initiative and referendum procedures. Takes effect upon ratification of a constitutional amendment enabling legislation by the people.

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

