

S.B. NO. 440

1 submitted directly to the people. All initiative measures shall
2 have printed above the title the following:

3 "INITIATIVE MEASURE TO BE
4 SUBMITTED DIRECTLY TO THE PEOPLE".

5 Each initiative measure shall embrace but one subject,
6 which shall be expressed in its title. The enacting clause
7 shall be:

8 "BE IT ENACTED BY THE PEOPLE
9 OF THE STATE OF HAWAII".

10 The initiative measure shall be enacted into law when
11 approved by a majority of votes counted for the measure. If two
12 or more conflicting initiative measures are approved by the
13 people at the same election, the measure receiving the highest
14 number of votes shall prevail.

15 No initiative measure that names any individual to hold any
16 office, or names or identifies any private corporation to
17 perform any function or to have any power or duty, shall be
18 submitted or have any effect. No initiative measure shall be
19 submitted that compromises or potentially compromises public
20 health or public safety. No initiative measure shall be
21 submitted that pertains to a specific state budget item.



1 An initiative measure proposing to prohibit a specific
2 activity or to terminate an existing right or privilege shall be
3 submitted to the people in such a form that they may vote in the
4 affirmative if they favor the right to engage in the activity or
5 continuance of the right or privilege.

6 No initiative measure shall be filed with the chief
7 election officer that may be either similar or contrary in form
8 or essential substance to a bill already introduced into the
9 legislature. If after the adjournment of the legislature sine
10 die, a bill has not become law, does not carry over or is not
11 adopted to propose an amendment to this constitution, an
12 initiative measure of either similar or contrary form may be
13 filed with the chief election officer for submission to the
14 people.

15 Prior to the circulation of any initiative petition for
16 signatures, a copy shall be submitted to the attorney general
17 who shall prepare a title and summary of the chief purpose and
18 aim of the proposed measure, as well as a clear explanation
19 written in plain language of the legal effect of a "yes" vote or
20 "no" vote.



S.B. NO. 440

1 If, after an initiative request is made with the attorney
2 general, any bill introduced into the legislature that may be
3 contrary, as determined by the attorney general, in form or
4 essential substance to the initiative request is enacted into
5 law or adopted to propose an amendment to this constitution,
6 that law or proposed amendment and that initiative measure shall
7 be submitted to the people in order that they may choose between
8 them, except as provided in this section. The contrary law
9 shall remain in effect pending the general election ballot. The
10 measure receiving the highest number of votes shall prevail. If
11 the initiative measure is approved, the contrary law or proposed
12 amendment shall be void. If any law is enacted that is the same
13 or similar to, and accomplishes the same purpose as an
14 initiative measure, as determined by the attorney general, the
15 chief election officer shall declare, by a public announcement,
16 that the initiative measure is void and order it stricken from
17 the ballot.

18 All initiative petitions shall be submitted to the chief
19 election officer for certification. Each sheet containing
20 petitioners' signatures shall be attached to the title, summary
21 and text of the initiative petition. No laws shall be enacted



1 limiting the number of copies of a petition that may be
2 circulated. Any registered voter of the State shall be
3 competent to solicit signatures. The petition shall be signed
4 by registered voters. All signers shall add their address as
5 shown on their voter registration form and the date upon which
6 they sign the petition. Every sheet of the petition containing
7 signatures shall be verified by affidavit of the petition
8 circulator that each name on the sheet was signed in the
9 presence of the affiant and that, in the belief of the affiant,
10 each signer is a registered voter of the State. The chief
11 election officer shall certify that the signers are registered
12 voters of the State.

13 The chief election officer shall not release any petition
14 for inspection by the public or any governmental agency, except
15 if the supreme court orders inspection of the petition when a
16 question has been raised regarding the sufficiency of a
17 petition. If any petition under this section has been
18 determined to be insufficient, the petition shall be returned to
19 the circulators within thirty days of its filing with the
20 notations of specific insufficiencies.



1 An initiative shall be presented to the people in such a
2 form that a "yes" vote, on a yes or no ballot, shall indicate an
3 affirmative vote for the measure as the measure is written.

4 The initiative measure shall be effective, if approved, one
5 day after the election results are announced, unless otherwise
6 provided for in the measure.

7 A defeated initiative measure shall not be resubmitted to
8 the people by the initiative petition in the same form or
9 essential substance, as determined by the attorney general,
10 either affirmatively or negatively, for a period of four years.

11 The veto power of the governor shall not extend to
12 initiative measures approved by the people. No measure enacted
13 by the people shall be repealed or amended by the legislature
14 without a two-thirds vote and unless five years have passed from
15 the effective date of the initiative, unless otherwise provided
16 in the measure; provided that the people may amend an initiative
17 at any time.

18 The petitioners shall bear all cost of the preparation and
19 circulation of the petition, except for the services performed
20 by the attorney general under this section. After the petition



1 has been filed with the chief election officer, all further
2 costs shall be part of the usual expenditures of the State."

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

5 "LEGISLATIVE POWER

6 Section 1. [The] Except as provided in Article II,
7 Section _____, the legislative power of the State shall be vested
8 in a legislature, which shall consist of two houses, a senate
9 and a house of representatives [~~. Such power~~], except that the
10 people reserve to themselves the power of initiative as set
11 forth in Article II, Section _____ . The legislative power shall
12 extend to all rightful subjects of legislation not inconsistent
13 with this constitution or the Constitution of the United
14 States."

15 SECTION 4. Article III, section 14, of the Constitution of
16 the State of Hawaii is amended to read as follows:

17 "BILLS; ENACTMENT

18 Section 14. No law shall be passed by the legislature
19 except by bill. Each law shall embrace but one subject, which
20 shall be expressed in its title. The enacting clause of each



1 law shall be, "Be it enacted by the legislature of the State of
2 Hawaii."

3 SECTION 5. Article XVII, section 1, of the Constitution of
4 the State of Hawaii is amended to read as follows:

5 "METHODS OF PROPOSAL

6 Section 1. Revisions of or amendments to this constitution
7 may be proposed by constitutional convention or by the
8 legislature[-] or by the people under Article II, Section ,
9 through the initiative process."

10 SECTION 6. Article XVII, section 4, of the Constitution of
11 the State of Hawaii is amended to read as follows:

12 "VETO

13 Section 4. No proposal for amendment of the constitution
14 adopted in either manner provided by this article or by Article
15 II, Section , shall be subject to veto by the governor."

16 SECTION 7. Article XVII, section 5, of the Constitution of
17 the State of Hawaii is amended to read as follows:

18 "CONFLICTING REVISIONS OR AMENDMENTS

19 Section 5. If a revision or amendment proposed by a
20 constitutional convention is in conflict with a revision or
21 amendment proposed by the legislature and both are submitted to



1 the electorate at the same election and both are approved, then
2 the revision or amendment proposed by the convention shall
3 prevail. If a revision or amendment proposed by the legislature
4 is in conflict with a revision or amendment proposed by the
5 people under Article II, Section , by initiative, and both
6 are approved, then the revision or amendment proposed by
7 initiative shall prevail. If conflicting revisions or
8 amendments are proposed by the same body and are submitted to
9 the electorate at the same election and both are approved, then
10 the revision or amendment receiving the highest number of votes
11 shall prevail."

12 SECTION 8. The question to be printed on the ballot shall
13 be as follows:

14 "Shall the State Constitution be amended to provide for
15 direct initiative?"

16 SECTION 9. Constitutional material to be repealed is
17 bracketed and stricken. New constitutional material is
18 underscored.

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S.B. NO. 440

1 SECTION 10. This amendment shall take effect upon
2 compliance with article XVII, section 3, of the Constitution of
3 the State of Hawaii.

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INTRODUCED BY: Ron E. R.
Breene Hunt
N. Dhara
Kenia Paul
Kurt Forville
S. J. Riviere
Nike Hubbard



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Report Title:

Initiative; Proposed Constitutional Amendment

Description:

Proposes amendments to the state constitution to provide for direct initiative.

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