

STAND. COM. REP. NO.

3404

Honolulu, Hawaii

MAR 13 2020

RE: H.B. No. 2549
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2549 entitled:

"A BILL FOR AN ACT RELATING TO CONSTITUTIONAL AMENDMENTS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require the language and meaning of a constitutional amendment and a constitutional ratification question to be simple, concise, and direct;
- (2) Allow the presiding officers of the Legislature to request a written opinion of the Hawaii Supreme Court regarding the legality of a proposed amendment to the Hawaii State Constitution and the corresponding constitutional ratification question and require the court to provide a written opinion within forty-eight hours of receipt of the request; and
- (3) Require, for any written opinion by the court that invalidates a constitutional ratification question, a detailed and specific explanation of the reasons for this opinion and prohibit any appeal of the written opinion.



Your Committee received testimony in support of this measure from the League of Women Voters of Hawaii. Your Committee received comments on this measure from the Judiciary and Common Cause Hawaii.

Your Committee finds that voters often struggle to understand the legal vocabulary used in the wording of ballot proposals. Clear statements of a proposed constitutional amendment and a constitutional ratification question are important to voters' ability to understand the proposed amendment and make an informed decision. This measure will facilitate voter understanding of proposed amendments to the state constitution by requiring constitutional amendments and constitutional ratification questions to be simple, concise, and direct. Furthermore, this measure will ensure that decision-makers offer appropriately phrased ballot questions by allowing the presiding officers of the Legislature to request a written opinion of the Supreme Court regarding the legality of a proposed amendment to the Hawaii State Constitution and the corresponding constitutional ratification question.

Your Committee has amended this measure by:

- (1) Requiring language and meaning of a constitutional amendment and a constitutional ratification question to be as simple, concise, and direct as possible considering the complexity of the subject matter;
- (2) Extending the time frame in which the Supreme Court must render and deliver a written opinion from within forty-eight hours to within fourteen days of receipt of a written request for a written opinion;
- (3) Deleting language that would have required any written opinion that invalidates the constitutional ratification question to include detailed and specific explanation of the reasons for invalidation; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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 H.B. No. 2549, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2549, S.D. 1, and be referred to your Committee on Ways and Means.

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



KARL RHOADS, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* HB 2549	Committee Referral: JDC, WAM	Date: 3/10/2020		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	/			
KEOHOKALOLE, Jarrett (VC)	/			
GABBARD, Mike	/			
KIM, Donna Mercado	/			
FEVELLA, Kurt				/
TOTAL	4			(
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes