

JAN 17 2024

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# A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

1           SECTION 1. The legislature finds that votes for questions  
2 on ballots for the ratification of constitutional amendments  
3 that are left blank, crossed out, or otherwise defaced, are  
4 counted in the negative, which may lead to a result that was not  
5 intended by the voter.

6           Accordingly, the purpose of this Act is to require that  
7 each vote cast for a question on a ballot for the ratification  
8 of a constitutional amendment be counted in the negative only if  
9 the ballot properly indicates that the vote is for "no".

10          SECTION 2. Section 11-151, Hawaii Revised Statutes, is  
11 amended to read as follows:

12           "§11-151 **Vote count.** (a) Except for contests conducted  
13 by ranked-choice voting pursuant to section 11-100, each contest  
14 or question on a ballot shall be counted independently as  
15 follows:

16           (1) If the votes cast in a contest or on a question are  
17           equal to or less than the number to be elected or



1 chosen for that contest or question, the votes for  
2 that contest or question shall be counted;

3 (2) If the votes cast in a contest or question exceed the  
4 number to be elected or chosen for that contest or  
5 question, the votes for that contest or question shall  
6 not be counted; and

7 (3) If a contest or question requires a majority of the  
8 votes for passage, any blank, spoiled, or invalid  
9 ballot shall not be tallied for passage or as votes  
10 cast except that [~~such~~] the ballots shall be counted  
11 as votes cast in [~~ratification of a constitutional~~  
12 ~~amendment or~~] a question for a constitutional  
13 convention.

14 (b) Each vote cast in ratification of a constitutional  
15 amendment shall be counted in the negative only if the ballot  
16 properly indicates that the vote is in the negative. No other  
17 indication on the ballot, including but not limited to a blank  
18 or cross-out, shall be counted in the negative."

19 SECTION 3. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.



# S.B. NO. 2138

1 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: *Karl Abund*



# S.B. NO. 2138

**Report Title:**

Elections; Voting; Ratification of Constitutional Amendment;  
Negative Votes

**Description:**

Requires that each vote cast for a question on a ballot for the ratification of a constitutional amendment be counted in the negative only if the ballot properly indicates that the vote is in the negative.

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

