

STAND. COM. REP. NO.

564

Honolulu, Hawaii

MAR 04 2011

RE: S.B. No. 1195  
S.D. 1

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred S.B. No. 1195 entitled:

"A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE XVII OF THE CONSTITUTION OF THE STATE OF HAWAII,"

begs leave to report as follows:

The purpose of this measure is to prohibit the counting of blank votes and overvotes in determining whether a proposed constitutional amendment has been ratified. The intent of this measure is to change the methodology for counting ballots for the purpose of determining whether a proposed constitutional amendment is ratified by the electorate.

Your Committee received testimony in support of this measure from nine individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender, The League of Women Voters of Hawaii, and Common Cause Hawaii.

Your Committee notes that, while the proposed amendment will make it easier to amend the Hawaii State Constitution, there are concerns that disregarding blank votes and overvotes would decrease the incentive for proponents of constitutional amendments to educate the public of the merits of casting a "yes" vote. Additionally, there is some concern that low voter turnout and low voter interest in a constitutional amendment may result in a relatively few number of voters deciding whether an amendment will be made to the Hawaii State Constitution.




Your Committee has amended this measure by:

- (1) Requiring the affirmative vote of a majority of ballots that are voted either YES or NO (which do not include blank votes) and at least forty percent of all ballots that are voted at a general election (which do include blank votes) or an affirmative vote of a majority of ballots that are voted either YES or NO, which must constitute at least thirty percent of the total number of registered voters at a special election for the ratification of a proposed constitutional amendment;
- (2) Inserting an effective date of July 1, 2050, to allow for further discussion; and
- (3) 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 and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1195, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1195, S.D. 1, and be placed on the calendar for Third Reading.

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



CLAYTON HEE, Chair



The Senate  
 Twenty-Sixth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:* <b>SB1195</b>	Committee Referral: <b>JDL</b>	Date: <b>2/7/11</b>		
<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
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)	✓			
GABBARD, Mike				✓
IHARA, Jr., Les	✓			<del>MS</del> MS
SLOM, Sam		✓		
<b>TOTAL</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes