



1 office of the governor in the last preceding general election  
2 for that office. No law shall be enacted limiting the number of  
3 copies of an initiative petition that may be circulated. Any  
4 registered voter of the State shall be competent to solicit  
5 signatures for and to sign any initiative petition. The  
6 initiative petition shall be filed with the chief election  
7 officer no later than ninety days prior to the next succeeding  
8 general election, at which the initiative shall be placed on  
9 the ballot.

10 Prior to the circulation of any initiative petition for  
11 signatures, a copy of the proposed initiative petition shall be  
12 submitted for review to the attorney general who shall prepare a  
13 title and summary of the purpose and aim of the proposed  
14 measure, as well as a clear explanation written in plain  
15 language of the legal effect of a "yes" vote or "no" vote. The  
16 attorney general shall return the proposed initiative petition,  
17 with the title and summary included, to the petitioners after  
18 review.

19 After return of the proposed initiative petition and  
20 collection of signatures, the initiative petition, along with  
21 the signatories' signatures, shall be submitted to the chief  
22 election officer for certification of compliance with this



1 section. Each sheet containing the required signatures shall be  
2 attached to the title, summary, and text of the initiative  
3 petition.

4 Each initiative petition shall contain a statement that the  
5 signatories are registered voters of the State and the address  
6 of each signatory as shown on the signatory's affidavit of voter  
7 registration. Every sheet of the petition containing signatures  
8 shall be verified by affidavit of the petition circulator that  
9 each name on the sheet was signed in the presence of the affiant  
10 and that, in the belief of the affiant, each signatory is a  
11 registered voter of the State. The chief election officer shall  
12 certify that the signatories are registered voters of the State.

13 An initiative petition proposing to prohibit a specific  
14 activity or to terminate an existing right or privilege shall be  
15 filed with the chief election officer in such a form that a vote  
16 in the affirmative on the initiative measure shall reflect a  
17 vote in favor of the right to engage in the activity or  
18 continuance of the right or privilege.

19 No initiative petition for an initiative measure that names  
20 any individual to hold any office; names or identifies any  
21 private corporation or entity to perform any function or to have  
22 any power or duty; compromises or potentially compromises public



1 health or safety; or pertains to any specific state budget item  
2 shall be filed with the chief election officer or be placed on  
3 the ballot.

4 No initiative petition for an initiative measure that is  
5 either similar or contrary in form or essential substance, as  
6 determined by the attorney general, to a bill currently pending  
7 before the legislature shall be filed with the chief election  
8 officer or placed on the ballot. If after the adjournment of  
9 the legislature sine die, a bill has not become law, does not  
10 carry over or is not adopted to propose an amendment to this  
11 constitution, an initiative petition for an initiative measure  
12 of either similar or contrary form may be filed with the chief  
13 election officer.

14 No initiative petition for a previously defeated initiative  
15 measure shall be filed with the chief election officer or placed  
16 on the ballot in the same form or essential substance, as  
17 determined by the attorney general, for a period of four years  
18 from the date of the general election in which the initiative  
19 measure was last placed on the ballot.

20 If any initiative petition subject to this section is  
21 determined by the chief election officer to be out of compliance  
22 with this section, the petition, along with the notations of



1 specific insufficiencies, shall be returned to the petitioner  
2 within thirty days of its filing.

3 The chief election officer shall not release any initiative  
4 petition for inspection by the public or any governmental agency  
5 unless the supreme court orders inspection of the petition when  
6 a question has been raised regarding the sufficiency of a  
7 petition.

8 The petitioners shall bear all cost of the preparation and  
9 circulation of an initiative petition, except for the cost of  
10 the services performed by the attorney general under this  
11 section. After an initiative petition has been filed with the  
12 chief election officer, all further costs related to placement  
13 on the ballot, certification by the chief election officer, and  
14 voting on the initiative measure shall be part of the usual  
15 expenditures of the State.

16 **MEASURE; PROCEDURE AND FORM**

17 All initiative measures shall have a caption, which shall  
18 be, "Initiative measure to be submitted directly to the people,"  
19 printed above the title. The enacting clause of each initiative  
20 measure shall be, "Be it enacted by the people of the State of  
21 Hawaii."



1        Each initiative measure shall embrace but one subject,  
2 which shall be expressed in its title. Every initiative measure  
3 shall be presented on the ballot as a question that may be  
4 answered "yes" or "no" and in such a form that an affirmative,  
5 or "yes", vote shall indicate an affirmative vote for the  
6 measure as the measure is written. Each ballot shall have  
7 designated spaces to mark "yes" or "no" on the measure.

8        An initiative measure shall be effective, if approved, one  
9 day after the election results are announced, unless otherwise  
10 provided in text of the measure.

11       An initiative measure shall be effective only if approved  
12 by a majority of all votes tallied upon the measure. If two or  
13 more conflicting initiative measures are approved by the people  
14 at the same election, the measure receiving the highest number  
15 of affirmative votes shall prevail.

16       The veto power of the governor shall not extend to  
17 initiative measures approved by the people. No measure enacted  
18 by the people shall be repealed or amended by the legislature  
19 without a two-thirds vote and unless five years have passed from  
20 the effective date of the measure, unless otherwise provided in  
21 the measure. An initiative measure may be amended or repealed



1 at any time by popular vote at a general election pursuant to an  
2 initiative petition filed pursuant to this section.

3 CONFLICT OF LAW; RESOLUTION

4 After a proposed initiative petition is submitted to the  
5 attorney general, if any bill that is contrary in form or  
6 essential substance, as determined by the attorney general, to  
7 the proposed initiative measure is enacted by the legislature or  
8 adopted by the legislature as a proposed amendment to this  
9 constitution, the following procedure shall apply. If the  
10 initiative petition is not certified by the chief election  
11 officer and is not placed on the ballot, the legislative measure  
12 shall be effective with no further action required. If the  
13 initiative petition is certified by the chief election officer  
14 and the initiative measure is placed on the ballot, both the  
15 legislative measure and the initiative measure shall be placed  
16 on the same general election ballot, which shall be submitted to  
17 the electorate for approval or denial, except as otherwise  
18 provided in this section. Any legislative measure subject to  
19 this section shall remain effective pending the outcome of the  
20 general election. The legislative measure or initiative measure  
21 that receives the highest number of affirmative votes in the  
22 general election shall prevail; provided that no initiative



1 measure shall prevail unless it is approved by a majority of all  
 2 votes tallied upon the measure. If the initiative measure  
 3 prevails, it shall take effect and the legislative measure shall  
 4 be void. If the legislative measure prevails, it shall remain  
 5 effective and the initiative measure shall be void.

6 After a proposed initiative petition is submitted to the  
 7 attorney general, if any bill that is the same or similar and  
 8 accomplishes the same purpose, as determined by the attorney  
 9 general, as the proposed initiative measure is enacted by the  
 10 legislature or adopted by the legislature as a proposed  
 11 amendment to this constitution, the legislative measure shall be  
 12 effective and the chief election officer shall declare, by a  
 13 public announcement, that the initiative measure is void and  
 14 order it stricken from the ballot."

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

17 **"LEGISLATIVE POWER**

18 **Section 1.** ~~[The]~~ Except as provided in Section of  
 19 Article II, the legislative power of the State shall be vested  
 20 in a legislature, which shall consist of two houses, a senate  
 21 and a house of representatives. ~~[Such power]~~ The legislative  
 22 power shall extend to all rightful subjects of legislation not





1 inconsistent with this constitution or the Constitution of the  
2 United States[-]; provided that the power of initiative shall be  
3 reserved to the people as provided in Section        of Article II."

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

6                                    **"BILLS; ENACTMENT**

7        **Section 14.** No law shall be passed except by legislative  
8 bill[-] or by initiative as provided in Section        of Article  
9 II. Each law shall embrace but one subject, which shall be  
10 expressed in its title. The enacting clause of each law shall  
11 be, "Be it enacted by the legislature of the State of Hawaii[-]"  
12 or "Be it enacted by the people of the State of Hawaii," as  
13 applicable."

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

16                                    **"METHODS OF PROPOSAL**

17        **Section 1.** Revisions of or amendments to this constitution  
18 may be proposed by constitutional convention [e], by the  
19 legislature[-] or by the people under Section        of Article II,  
20 through the initiative process."

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



1 "VETO

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

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

8 "CONFLICTING REVISIONS OR AMENDMENTS

9 Section 5. If a revision or amendment proposed by a  
10 constitutional convention is in conflict with a revision or  
11 amendment proposed by the legislature and both are submitted to  
12 the electorate at the same election and both are approved, then  
13 the revision or amendment proposed by the convention shall  
14 prevail. If a revision or amendment proposed by the legislature  
15 or by the constitutional convention is in conflict with a  
16 revision or amendment proposed by the people under Section of  
17 Article II, by initiative, and both are approved, then the  
18 revision or amendment proposed by initiative shall prevail. If  
19 conflicting revisions or amendments are proposed by the same  
20 body and are submitted to the electorate at the same election  
21 and both are approved, then the revision or amendment receiving  
22 the highest number of votes shall prevail."



1 SECTION 8. The question to be printed on the ballot shall  
2 be as follows:


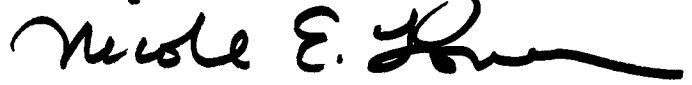

3 "Shall the State Constitution be amended to provide for  
4 direct adoption of state statutes and constitutional  
5 amendments by the electorate at a general election through  
6 an initiative process?"

7 SECTION 9. Constitutional material to be repealed is  
8 bracketed and stricken. New constitutional material is  
9 underscored.

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

13

INTRODUCED BY:

JAN 20 2017



# H.B. NO. 444

**Report Title:**

Initiative; Proposed Constitutional Amendment

**Description:**

Proposes amendments to the state constitution to provide for direct adoption of state statutes and constitutional amendments by the electorate at a general election through an initiative process.

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

