A BILL FOR AN ACT

PROPOSING AMENDMENTS TO ARTICLES II, III, AND XVII OF THE CONSTITUTION OF THE STATE OF HAWAII TO PROVIDE FOR DIRECT INITIATIVE.

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

SECTION 1. The purpose of this Act is to propose amendments to articles II, III, and XVII of the Constitution of the State of Hawaii to provide for direct initiative.

SECTION 2. Article II of the Constitution of the State of Hawaii is amended by adding a new section to be appropriately designated and to read as follows:

"INITIATIVE

Section __. The initiative power is reserved to the people. An initiative measure shall be submitted to the people by presenting to the chief election officer a petition containing the signatures of registered voters equaling not less than ten per cent of the total number of voters who voted for the office of the governor in the last preceding general election for that office. The initiative petition shall be filed with the chief election officer no later than ninety days prior to the general election at which the initiative is to be
submitted directly to the people. All initiative measures shall have printed above the title the following:

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

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

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

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

No initiative measure that names any individual to hold any office, or names or identifies any private corporation to perform any function or to have any power or duty, shall be submitted or have any effect. No initiative measure shall be submitted that compromises or potentially compromises public health or public safety. No initiative measure shall be submitted that pertains to a specific state budget item.
An initiative measure proposing to prohibit a specific activity or to terminate an existing right or privilege shall be submitted to the people in such a form that they may vote in the affirmative if they favor the right to engage in the activity or continuance of the right or privilege.

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

Prior to the circulation of any initiative petition for signatures, a copy shall be submitted to the attorney general who shall prepare a title and summary of the chief purpose and aim of the proposed measure, as well as a clear explanation written in plain language of the legal effect of a "yes" vote or "no" vote.
If, after an initiative request is made with the attorney general, any bill introduced into the legislature that may be contrary, as determined by the attorney general, in form or essential substance to the initiative request is enacted into law or adopted to propose an amendment to this constitution, that law or proposed amendment and that initiative measure shall be submitted to the people in order that they may choose between them, except as provided in this section. The contrary law shall remain in effect pending the general election ballot. The measure receiving the highest number of votes shall prevail. If the initiative measure is approved, the contrary law or proposed amendment shall be void. If any law is enacted that is the same or similar to, and accomplishes the same purpose as an initiative measure, as determined by the attorney general, the chief election officer shall declare, by a public announcement, that the initiative measure is void and order it stricken from the ballot.

All initiative petitions shall be submitted to the chief election officer for certification. Each sheet containing petitioners' signatures shall be attached to the title, summary and text of the initiative petition. No laws shall be enacted
limiting the number of copies of a petition that may be circulated. Any registered voter of the State shall be competent to solicit signatures. The petition shall be signed by registered voters. All signers shall add their address as shown on their voter registration form and the date upon which they sign the petition. Every sheet of the petition containing signatures shall be verified by affidavit of the petition circulator that each name on the sheet was signed in the presence of the affiant and that, in the belief of the affiant, each signer is a registered voter of the State. The chief election officer shall certify that the signers are registered voters of the State.

The chief election officer shall not release any petition for inspection by the public or any governmental agency, except if the supreme court orders inspection of the petition when a question has been raised regarding the sufficiency of a petition. If any petition under this section has been determined to be insufficient, the petition shall be returned to the circulators within thirty days of its filing with the notations of specific insufficiencies.
An initiative shall be presented to the people in such a form that a "yes" vote, on a yes or no ballot, shall indicate an affirmative vote for the measure as the measure is written.

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

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

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

The petitioners shall bear all cost of the preparation and circulation of the petition, except for the services performed by the attorney general under this section. After the petition
has been filed with the chief election officer, all further

costs shall be part of the usual expenditures of the State."

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

"LEGISLATIVE POWER"

Section 1. [The] Except as provided in Article II,

Section____, the legislative power of the State shall be vested
in a legislature, which shall consist of two houses, a senate
and a house of representatives[.—Such power], except that the
people reserve to themselves the power of initiative as set
forth in Article II, Section____. The legislative power shall
extend to all rightful subjects of legislation not inconsistent
with this constitution or the Constitution of the United
States."

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

"BILLS; ENACTMENT"

Section 14. No law shall be passed by the legislature
except by bill. Each law shall embrace but one subject, which
shall be expressed in its title. The enacting clause of each
law shall be, "Be it enacted by the legislature of the State of Hawaii."

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

"METHODS OF PROPOSAL

Section 1. Revisions of or amendments to this constitution may be proposed by constitutional convention or by the legislature[,

legislature[-] or by the people under Article II, Section through the initiative process."

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

"VETO

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

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

"CONFLICTING REVISIONS OR AMENDMENTS

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

SECTION 8. The question to be printed on the ballot shall
be as follows:
"Shall the State Constitution be amended to provide for
direct initiative?"

SECTION 9. Constitutional material to be repealed is
bracketed and stricken. New constitutional material is
underscored.
SECTION 10. This amendment shall take effect upon compliance with article XVII, section 3, of the Constitution of the State of Hawaii.

INTRODUCED BY:

[Signatures]
Report Title:
Initiative; Proposed Constitutional Amendment

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

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