



1 total number of voters who voted for the office of the governor  
2 in the last preceding general election for that office. The  
3 initiative petition shall be filed with the chief election  
4 officer not later than ninety days prior to the general election  
5 at which the initiative is to be submitted directly to the  
6 people. All initiative measures shall have printed above the  
7 title the following:

8 "INITIATIVE MEASURE TO BE  
9 SUBMITTED DIRECTLY TO THE PEOPLE"

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

13 "BE IT ENACTED BY THE PEOPLE  
14 OF THE STATE OF HAWAII"

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

20 No initiative measure that names any individual to hold any  
21 office or names or identifies any private corporation to perform  
22 any function or to have any power or duty, shall be submitted or  
23 have any effect. No initiative measure shall be submitted that  
24 pertains to land use issues. No initiative measure shall be  
25 submitted that compromises, or potentially compromises, public  
26 health or public safety.

27 An initiative measure proposing to prohibit a specific  
28 activity or to terminate an existing right or privilege shall be



1 submitted to the people in such a form that they may vote in the  
2 affirmative if they favor the right to engage in the activity or  
3 continuance of the right or privilege.

4 No initiative measure shall be filed with the chief  
5 election officer that may be either similar or contrary in  
6 either form or essential substance to a bill already introduced  
7 into the legislature. If after the adjournment of the  
8 legislature sine die, a bill has not become law, or does not  
9 carry over, an initiative measure of either similar or contrary  
10 form may be filed with the chief election officer for submission  
11 to the people.

12 If, after an initiative request is made with the attorney  
13 general, any bill introduced into the legislature that may be  
14 contrary, as determined by the attorney general, in either form  
15 or essential substance to the initiative request is enacted into  
16 law, that law and that initiative measure shall be submitted to  
17 the people in order that they may choose between them, except as  
18 provided in the last sentence of this paragraph. The contrary  
19 law shall remain in effect pending the general election ballot.  
20 The measure receiving the highest number of votes shall prevail.  
21 If the initiative measure is approved, the contrary law shall be  
22 void. If any law is enacted that is the same or similar to, and  
23 accomplishes the same purpose as an initiative measure, as  
24 determined by the attorney general, the chief election officer  
25 shall declare, by a public announcement, that the initiative  
26 measure is void and order it stricken from the ballot.

27 A defeated initiative measure shall not be resubmitted to  
28 the people by the initiative petition in either the same form or



1 essential substance, as determined by the attorney general,  
2 either affirmatively or negatively, for a period of four years.

3 Prior to the circulation of any initiative petition for  
4 signatures, a copy shall be submitted to the attorney general  
5 who shall prepare a title and summary of the chief purpose and  
6 aim of the proposed measure, as well as a clear explanation  
7 written in plain language of the legal effect of a "yes" vote or  
8 "no" vote.

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

25 The chief election officer shall not release any petition  
26 for inspection by the public or any governmental agency, except  
27 if the supreme court orders inspection of the petition when a  
28 question has been raised regarding the sufficiency of a



1 petition. If any petition under this section has been  
2 determined to be insufficient, the petition shall be returned to  
3 the circulators within thirty days of its filing with the  
4 notations of specific insufficiencies.

5 Any measure under this section shall be presented to the  
6 people in such a form that a "yes" vote, on a yes or no ballot,  
7 shall indicate an affirmative vote for the measure as the  
8 measure is written.

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

12 The veto power of the governor shall not extend to  
13 initiative measures approved by the people. No measure enacted  
14 by the people shall be repealed or amended by the legislature,  
15 unless otherwise provided in the measure; provided that the  
16 people may amend an initiative at any time.

17 The petitioners shall bear all cost of the preparation and  
18 circulation of the petition, except for the services performed  
19 by the attorney general under this section. After the petition  
20 has been filed with the chief election officer, all further  
21 costs shall be part of the usual expenditures of the State.

#### REFERENDUM

23 Section B. Referendum is the power of the people to  
24 approve or reject statutes or parts of statutes by ballot.  
25 Referendum shall not be used to make or repeal any appropriation  
26 of public funds or to make, amend, or repeal the levy of taxes,  
27 nor shall the referendum extend to any matter governed by  
28 collective bargaining contracts.





1 provided by law. This section is self-executing, but the  
2 legislature may enact legislation to facilitate its operation;  
3 provided that the legislation may not restrict or limit the  
4 provisions of this section or the powers reserved in this  
5 section.

6 A recall measure shall be submitted to the people for a  
7 recall vote with the signatures of registered voters of not less  
8 than twenty per cent of all votes cast for all candidates for  
9 the office subject to recall at the previous general election of  
10 that office. Only those registered voters who are entitled to  
11 cast votes for the official named on the recall petition shall  
12 be qualified to sign the recall petition and to vote in the  
13 recall election. The recall petition shall state the reason for  
14 the recall vote. Unresponsiveness to the needs of the  
15 official's constituents shall be adequate reason for the recall  
16 of any elected state official.

17 No recall petition shall be filed against any elected state  
18 official unless the official has served more than six months of  
19 the official's term of office. No recall petition shall be  
20 filed within one year of a primary election in which an elected  
21 official is required to seek nomination for reelection. If a  
22 recall petition is against an elected state official whose term  
23 of office expires at a general election after a forthcoming  
24 primary election and the petition is filed no more  
25 than \_\_\_\_\_ days and not less than \_\_\_\_\_ days prior to the  
26 primary election, the chief election officer shall cause the  
27 recall measure to be submitted to the people at that general  
28 election. All other recall measures shall cause a recall



1 special election to be proclaimed by the chief election officer  
2 between \_\_\_\_\_ and \_\_\_\_\_ days after the petition has been  
3 determined to be sufficient.

4 A recall shall be approved by the majority of the votes  
5 cast indicating "yes" or "no" thereon but not including blank  
6 ballots. Any vacancy that may be created shall be filled as  
7 prescribed by law.

8 If a recall vote fails to recall the affected official, the  
9 affected official shall not be subject to another recall vote  
10 for the remainder of the term of office to which the official  
11 was elected to serve.

12 Prior to the circulation of any recall petition for  
13 signature, a copy shall be submitted to the attorney general who  
14 shall prepare a title and summary of the chief purpose and aim  
15 of the proposed measure within seven business days. The title  
16 and summary shall not exceed \_\_\_\_\_ words.

17 All recall petitions shall be submitted for certification  
18 to the chief election officer. Every sheet of the petition  
19 containing signatures shall be attached to the title, summary,  
20 and text of the recall petition. No laws shall be enacted  
21 limiting the number of copies of a petition which may be  
22 circulated. Any registered voter of this State shall be  
23 competent to solicit signatures. No person circulating a  
24 petition shall be eligible to receive any compensation for  
25 services as a petition circulator. All signers shall add their  
26 address as shown on their voter registration form and the date  
27 upon which they signed the petition. When fewer than five  
28 thousand signatures are required on a petition, the petition





1 circulators shall have sixty days in which to obtain the  
2 required number of signatures of qualified voters; when between  
3 five thousand and ten thousand signatures are required, the  
4 petition circulators shall have ninety days; when between ten  
5 thousand and fifty thousand signatures are required, the  
6 petition circulators shall have one hundred twenty days; when  
7 between fifty thousand and one hundred thousand signatures are  
8 required, the petition circulators shall have one hundred sixty  
9 days; and when more than one hundred thousand signatures are  
10 required, the petition circulators shall have one hundred eighty  
11 days.

12 Every sheet of the petition containing signatures shall be  
13 verified by affidavit of the petition circulator that each name  
14 on the sheet was signed in the presence of the affiant and that  
15 in the belief of the affiant each signer is a registered voter  
16 of the State, and of the affected district in the case of a  
17 recall petition so limited. The chief election officer shall  
18 certify that the signers are registered voters of this State,  
19 and of the affected district in the case of a recall petition so  
20 limited.

21 The chief election officer shall not release a petition for  
22 inspection by the public or any governmental agency, except  
23 where the supreme court orders inspection of the petition, when  
24 a question has been raised regarding the sufficiency of the  
25 petition. If any petition under this section has been  
26 determined to be insufficient, the petition shall be returned to  
27 the circulators within sixty days of its filing with a statement  
28 of the specific insufficiencies. Petition circulators shall



1 have additional time in which to correct the specific  
2 insufficiencies of a petition, in accordance with the provisions  
3 of this section governing the amount of time allowed to obtain  
4 petitioners' signatures.

5 Any measure under this section shall be presented to the  
6 people in such a form that a "yes" vote, on a yes or no ballot,  
7 shall indicate an affirmative vote for the measure as the  
8 measure is written.

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

12 The petitioners shall bear all costs of the preparation and  
13 circulation of the petition, except for the services performed  
14 by the attorney general under this section. After the petition  
15 has been filed with the chief election officer, all further  
16 costs shall be part of the usual expenditures of the State."

17

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

20 **"LEGISLATIVE POWER**

21 **Section 1.** [The] Except as provided in Article II, Section  
22 A, the legislative power of the State shall be vested in a  
23 legislature, which shall consist of two houses, a senate and a  
24 house of representatives[. Such power], but the people reserve  
25 to themselves the powers of initiative and referendum as set  
26 forth in Article II, Sections A and B. The legislative power  
27 shall extend to all rightful subjects of legislation not



1 inconsistent with this constitution or the Constitution of the  
2 United States."

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

5 **"BILLS; ENACTMENT**

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

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

13 **"METHODS OF PROPOSAL**

14 **Section 1.** Revisions of or amendments to this constitution  
15 may be proposed by constitutional convention or by the  
16 legislature[.] or by the people under Article II, Section A  
17 through the initiative process."

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

20 **"VETO**

21 **Section 4.** No proposal for amendment of the constitution  
22 adopted in either manner provided by this article or by Article  
23 II, Section A or B, on initiative or referendum shall be subject  
24 to veto by the governor."

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

27 **"CONFLICTING REVISIONS OR AMENDMENTS**



1           **Section 5.** If a revision or amendment proposed by a  
2 constitutional convention is in conflict with a revision or  
3 amendment proposed by the legislature and both are submitted to  
4 the electorate at the same election and both are approved, then  
5 the revision or amendment proposed by the convention shall  
6 prevail. If a revision or amendment proposed by the legislature  
7 is in conflict with the revision or amendment proposed by the  
8 people under Article II, Section A, by initiative, and both are  
9 approved, then the revision or amendment proposed by initiative  
10 shall prevail. If conflicting revisions or amendments are  
11 proposed by the same body and are submitted to the electorate at  
12 the same election and both are approved, then the revision or  
13 amendment receiving the highest number of votes shall prevail."

14           SECTION 8. The question to be printed on the ballot shall  
15 be as follows:

16           "Shall the State Constitution be amended to provide for  
17 initiative, referendum, and recall?"

18           SECTION 9. In codifying the new sections added to article  
19 II of the Constitution of the State of Hawaii, by section 2 of  
20 this Act and any cross references thereto, the revisor of  
21 statutes shall substitute appropriate section numbers for the  
22 letters used in the new sections' designations in this Act.

23           SECTION 10. Constitutional material to be repealed is  
24 bracketed and stricken. New constitutional material is  
25 underscored.

26           SECTION 11. These amendments shall take effect upon  
27 compliance with article XVII, section 3, of the Constitution of  
28 the State of Hawaii.



H.B. NO. 855

1

INTRODUCED BY:

*Eric Wood*

JAN 25 2021



# H.B. NO. 855

**Report Title:**

Amendments to Hawaii Constitution; Initiative; referendum;  
recall

**Description:**

Adds new sections to the Hawaii constitution. Allows for amendments by initiative to prevail and reserves the powers of initiative and referendum to the people. Provides steps for vote recalls.

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

