

1 with full knowledge of the contents of the petition, and that
2 their residences are correctly given.

3 (c) No entity or agent shall circulate or cause to be
4 circulated a petition for initiative in lieu of or on behalf of
5 any voter. The petitioners shall bear all costs of the
6 preparation and circulation of the petition, except for the
7 services performed by the attorney general under this section.
8 Any person who pays all or part of the cost of the preparation
9 and circulation of the petition shall be clearly identified on
10 the petition as a financial sponsor and their name and address
11 shall be included on the petition. All petitions, including the
12 name and address of each person who signed the petition, are
13 public records, and shall be made available for public
14 inspection on the elections commission's website in a searchable
15 database.

16 (d) The petition shall set forth a measure for the
17 proposed statutory amendment that shall be attached and made a
18 part of the petition; provided that a copy of the proposed
19 statutory amendment shall first be submitted to the attorney
20 general who shall review and revise the petition as necessary;
21 provided further that the attorney general shall not



1 substantially alter the intent of the language and shall approve
2 the petition to ensure that the petition is legally and
3 technically sufficient.

4 The attorney general shall also review each proposed
5 statutory amendment, and shall reject any petition whose sole
6 purpose is:

7 (1) To change the state budget;

8 (2) To add, change, or delete any one or more, budget
9 items;

10 (3) To add, change, or delete any tax rate, credit,
11 deduction, exemption, or other tax provision as
12 contained in title 14; or

13 (4) Any combination of paragraphs (1) through (3).

14 (e) Upon filing of the petition with the chief election
15 officer, the chief election officer shall examine the petition
16 to see whether it contains a sufficient number of apparently
17 genuine signatures of duly registered voters. The chief
18 election officer may question the genuineness of any signature
19 or signatures appearing on the petition. If the chief election
20 officer finds that any such signature or signatures are not
21 genuine, the chief election officer, after public disclosure of



1 the signatures in question, shall disregard these signatures
2 when determining whether the petition contains a sufficient
3 number of signatures.

4 The chief election officer shall eliminate any sheet of the
5 petition that is not accompanied by the required affidavit. The
6 invalidity of any sheet shall not affect the validity of the
7 petition if a sufficient number of signatures remains after
8 eliminating the invalid sheet. The chief election officer shall
9 complete the examination of the petition within twenty working
10 days after the date of filing.

11 A final determination as to the sufficiency or validity of
12 the petition shall be subject to court review.

13 (f) The proposed initiative, after approval by the
14 attorney general, shall be filed with the office of elections at
15 least ninety days prior to the general election. The proposed
16 initiative shall be submitted to voters at the next general
17 election.

18 (g) Any proposed statutory amendment that is approved by
19 the majority of voters voting thereon shall be deemed enacted,
20 and shall become effective ten days after certification of the
21 results of the election. In the event that two or more proposed



1 statutory amendments conflict with each other in whole or in
2 part and each is approved by a majority of the voters voting
3 thereon, the proposed amendment receiving the highest number of
4 votes shall be adopted and shall take effect pursuant to this
5 subsection.

6 (h) A statutory amendment that is deemed enacted by
7 initiative shall not be subject to veto, notwithstanding article
8 III, section 16, of the Hawaii State Constitution.

9 (i) The elections commission shall adopt rules pursuant to
10 chapter 91 for the purposes of this section."

11 SECTION 2. Section 11-1, Hawaii Revised Statutes, is
12 amended by adding a new definition to be appropriately inserted
13 and to read as follows:

14 "Initiative" means a direct ballot initiative to amend the
15 law as provided for by this chapter."

16 SECTION 3. Section 11-2, Hawaii Revised Statutes, is
17 amended by amending subsection (a) to read as follows:

18 "(a) The chief election officer shall supervise all state
19 elections[-] and initiatives. The chief election officer may
20 delegate responsibilities in state elections and initiatives



1 within a county to the clerk of that county or to other
2 specified persons."

3 SECTION 4. Section 11-3, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§11-3 Application of chapter. This chapter shall apply
6 to all elections, primary, special primary, general, special
7 general, special, or county, held in the State, under all voting
8 systems used within the State, so far as applicable and not
9 inconsistent herewith. This chapter shall also apply to all
10 initiatives held or proposed in the State."

11 SECTION 5. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 6. This Act shall take effect upon its approval
14 and upon ratification of a constitutional amendment enabling
15 direct initiative.

16

INTRODUCED BY:

SP Davies
Mike Gabbard

Paul E. Rosen

Breene Hunt

Heather
Diana Paul
Kurt Funch



S.B. NO. 456

Report Title:

Initiative; Enabling Legislation

Description:

Provides for initiative procedures. Takes effect upon ratification of a constitutional amendment enabling direct initiative.

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

