



Amending the Hawaii

Constitution

The Process:

Constitution Requires:

"Revisions of or amendments to this constitution may be proposed by constitutional convention or by the legislature. "

Pathway 1: (Convention)

"The legislature may submit to the electorate at any general or special election the question, "Shall there be a convention to propose a revision of or amendments to the Constitution?" If any nine-year period shall elapse during which the question shall not have been submitted, the lieutenant governor shall certify the question, to be voted on at the first general election following the expiration of such period."

"If a majority of the ballots cast upon such a question be in the affirmative, delegates to the convention shall be chosen at the next regular election unless the legislature shall provide for the election of delegates at a special election."

"Notwithstanding any provision in this constitution to the contrary, other than Section 3 of Article XVI, any qualified voter of the district concerned shall be eligible to membership in the convention."

"The legislature shall provide for the number of delegates to the convention, the areas from which they shall be elected and the manner in which the convention shall convene. The legislature shall also provide for the necessary facilities and equipment for the convention. The convention shall have the same powers and privileges, as nearly as practicable, as provided for the convention of 1978."

"The constitutional convention shall convene not less than five months prior to the next regularly scheduled general election."

"The convention shall determine its own organization and rules of procedure. It shall be the sole judge of the elections, returns and qualifications of its members and, by a two-thirds vote, may suspend or remove any member for cause. The governor shall fill any vacancy by appointment of a qualified voter from the district concerned."

"The convention shall provide for the time and manner in which the proposed constitutional revision or amendments shall be submitted to a vote of the electorate; provided that each amendment shall be submitted in the form of a question embracing but one subject; and provided

further, that each question shall have designated spaces to mark YES or NO on the amendment."

"At least thirty days prior to the submission of any proposed revision or amendments, the convention shall make available for public inspection, a full text of the proposed amendments. Every public library, office of the clerk of each county, and the chief election officer shall be provided such texts and shall make them available for public inspection. The full text of any proposed revision or amendments shall also be made available for inspection at every polling place on the day of the election at which such revision or amendments are submitted."

"The convention shall, as provided by law, be responsible for a program of voter education concerning each proposed revision or amendment to be submitted to the electorate."

"The revision or amendments shall be effective only if approved at a general election by a majority of all the votes tallied upon the question, this majority constituting at least fifty per cent of the total vote cast at the election, or at a special election by a majority of all the votes tallied upon the question, this majority constituting at least thirty per cent of the total number of registered voters."

"The provisions of this section shall be self-executing, but the legislature shall make the necessary appropriations and may enact legislation to facilitate their operation."

Pathway 2: (Legislature)

"The legislature may propose amendments to the constitution by adopting the same, in the manner required for legislation, by a two-thirds vote of each house on final reading at any session, after either or both houses shall have given the governor at least ten days' written notice of the final form of the proposed amendment, or, with or without such notice, by a majority vote of each house on final reading at each of two successive sessions."

"Upon such adoption, the proposed amendments shall be entered upon the journals, with the ayes and noes, and published once in each of four successive weeks in at least one newspaper of general circulation in each senatorial district wherein such a newspaper is published, within the two months' period immediately preceding the next general election."

"At such general election the proposed amendments shall be submitted to the electorate for approval or rejection upon a separate ballot."

"The conditions of and requirements for ratification of such proposed amendments shall be the same as provided in section 2 of this article for ratification at a general election."

What this means:

Pathway 1: (Convention)

Step 1: The legislature may submit to the electorate, at any general election or special election, the question of a convention. (If, after a nine-year period passes and no convention question has been raised, the lieutenant governor shall certify the question to be voted on at the first general election following the end of nine years.) A majority of the ballots call for a convention and delegates shall be chosen at the next regular election unless the legislature shall provide for the election at a special election.

Step 2: The convention shall convene not less than five months prior to the next regularly scheduled general election (2022).

Step 3: Amendment submitted to the electorate shall be submitted in the form of a question embracing one subject, with designated spaces to mark YES or NO.

Step 4: At least thirty days prior to the submission of any proposed amendment, the convention shall make available for public inspection, a full text of the proposed amendment. Every public library, officer of the clerk of each county, and the chief election officer shall be provided such texts and shall make them available for public inspection. In addition, it shall be made available at every polling place on the day of the election at which the amendment is submitted.

Step 5: The convention shall be responsible for a program of voter education concerning the amendment to be submitted to the electorate.

Step 6: The amendment shall be effective if approved by a majority of votes at a general election. This majority must be at least fifty percent of the total vote cast at the election. If presented at a special election, this majority shall be thirty percent of the total number of registered voters.

Pathway 2: (Legislature)

Step 1: The legislature may propose an amendment which can either pass by two-thirds vote of each house at a final reading in a single legislative session after having given the governor at least ten days' written notice of the final form of the proposed amendment; or can pass by a simple majority vote in each house at final reading with or without notice to the governor but must do so at each of two consecutive legislative sessions.

Step 2: Upon adopting of the proposed amendment, it needs to be entered upon the journals, with the legislator's votes. The amendment is published once in each of four successive weeks in at least one newspaper of general circulation in each senatorial district wherein such a newspaper is published, within the two months' period immediately preceding the next general election.

Step 3: Amendment shall be submitted to the electorate/voters and be agreed upon by a majority of votes. This majority must be at least fifty percent of the total vote cast at the election. If presented at a special election, this majority shall be thirty percent of the total number of registered voters.