

State Constitutional Amendments

The Hawaii State Constitution may only be amended through a constitutional convention or the legislature proposing constitutional amendments to the electorate. The Hawaii State Constitution does not provide for an initiative process.

Constitutional Convention

The legislature will submit the following question to the Office of Elections for placement on the ballot, "Shall there be a convention to propose a revision of or amendments to the Constitution?"

If nine (9) years passes since the above question appeared on the ballot, the lieutenant governor shall submit the question to our office for placement on the ballot. The 2008 General Election was the last election the question appeared on the ballot.

If the question receives majority of votes cast in favor, including blank and over votes, then a constitutional convention will be held.

The legislature will provide the number of delegates to the convention, areas from which they will be elected, and the manner the convention will convene. The election of the delegates will be held at the next general election or at a special election, as determined by the legislature.

At the constitutional convention, proposed constitutional revisions or amendments will be determined and submitted to the Office of Elections for placement on the ballot at either a general election or a special election.

At the general election, the question is approved if both qualifications are met:

- Test 1: Yes votes receive a majority of votes tallied, excluding blank and over votes
- Test 2: Yes votes receive at least fifty percent of the total votes cast, including blank and over votes

At a special election, the question is approved if both qualifications are met:

- Test 1: Yes votes receive a majority of votes tallied, excluding blank and over votes
- Test 2: Yes vote constitute at least thirty percent of the registered voters in Hawaii

Amendments Proposed by the Legislature

Proposed constitutional amendments by the legislature must be adopted by a two-thirds vote in each chamber during a legislative session or by a majority vote of each chamber in two successive legislative sessions.

The proposed constitutional amendment questions are submitted to the Office of Elections for placement on the ballot at the general election.

The question is approved if both qualifications are met:

- Test 1: Yes votes receive a majority of votes tallied, excluding blank and over votes
- Test 2: Yes votes receive at least fifty percent of the total votes cast, including blank and over votes

Deadline

The deadline to submit a question to the Office of Elections for placement on the ballot is **August 20, 2020**.

Example: Amendment Question Appears on General Election Ballot

Sample Question	Votes Received
Yes	195,909
No	122,454
Blank	30,181
Over	207
Total votes tallied	318,363
Total votes cast	348,751

Test 1 Calculation:

195,909 yes / 318,363 tallied = 0.615 or 61.5%

61.5% is greater than 50%, therefore the yes votes received majority of votes tallied and passes test 1.

Test 2 Calculation:

195,909 yes / 348,751 cast = 0.562 or 56.2%

56.2% is greater than 50%, therefore the yes votes received more than 50% of the votes cast and passes test 2.

The question passed test 1 and test 2 therefore the amendment is approved.

Example: Amendment Question Appears in a Special Election

<u>Sample Question</u>	<u>Votes Received</u>
Yes	184,101
No	129,806
Blank	34,709
Over	135
Total votes tallied	313,907
Total votes cast	348,751
Registered voters	662,728

Test 1 Calculation:

184,101 yes / 313,907 tallied = 0.586 or 58.6%

58.6% is greater than 50%, therefore the yes votes received majority of votes tallied and passes test 1.

Test 2 Calculation:

184,101 yes / 662,728 reg. voters = 0.278 or 27.8%

27.8% is less than 30%, therefore it does not pass test 2.

The question passed test 1 but did not pass test 2, therefore the amendment is not approved.

For complete information, please refer to Hawaii State Constitution Article XVII.

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