

ANNE E. LOPEZ 7609
Attorney General of the State of Hawai'i

KALIKO'ONĀLANI D. FERNANDES 9964
Solicitor General
LAUREN K. CHUN 10196
First Deputy Solicitor General
Department of the Attorney General
425 Queen Street
Honolulu, Hawai'i 96813
Tel: (808) 586-1360
Fax: (808) 586-8116
E-mail: kaliko.d.fernandes@hawaii.gov
lauren.k.chun@hawaii.gov

Attorneys for Defendant-Appellee/
Cross-Appellant STATE OF HAWAI'I

**Electronically Filed
Supreme Court
SCAP-26-0000540
15-OCT-2026
03:03 PM
Dkt. 3 RAT**

SCAP-26-0000540

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

LEAGUE OF WOMEN VOTERS OF
HAWAII,

Plaintiff-Appellant/
Cross-Appellee,

v.

STATE OF HAWAI'I,

Defendant-Appellee/
Cross-Appellant.

ORIGINAL PROCEEDING
1CCV-25-0001456 (JJK)

APPEAL AND CROSS-APPEAL FROM:

(1) FINAL JUDGMENT [DKT. 75], filed on
July 27, 2026.

CIRCUIT COURT OF THE FIRST
CIRCUIT, STATE OF HAWAI'I

Judge: The Honorable Jordon J. Kimura

**DEFENDANT-APPELLEE/CROSS-APPELLANT STATE OF HAWAI'I'S
RESPONSE TO APPLICATION FOR TRANSFER**

CERTIFICATE OF SERVICE

**DEFENDANT-APPELLEE/CROSS-APPELLANT STATE OF HAWAII'S
RESPONSE TO APPLICATION FOR TRANSFER**

Defendant-Appellee/Cross-Appellant State of Hawai'i takes no position on Plaintiff-Appellant/Cross-Appellee League of Women Voters of Hawaii's request to transfer this case. The State writes below to respond to Plaintiff's characterization of the Circuit Court's decision and the merits arguments in Plaintiff's transfer application.

A. Background

Plaintiff's Complaint challenged the enactment of a single Act – Act 290 (2025), introduced as S.B. 935, with the title “Relating to Government.” ROA 1 (Complaint) at Demand for Relief ¶ A. S.B. 935 was introduced as a short-form bill before the bill introduction deadline. ROA 1 at ¶ 11. It was revised to amend certain provisions of the HRS concerning pension benefits for some government employees. *Id.* at ¶ 14. The Complaint alleged two “Counts”: (I) the title of Act 290 did not comply with Haw. Const. art. III, § 14 (ROA 1 at ¶¶17-23), and (II) Act 290's passage did not comply with Haw. Const. art. III, § 12 (*id.* at ¶¶24-28).

This Court previously rejected a request to determine this case outside of the ordinary appellate process. On May 22, 2026, this Court returned the reserved questions the circuit court had transmitted under HRAP 15. ROA 67.

The Circuit Court later entered summary judgment for the State on both Counts. ROA 71, 75.

B. Plaintiff's merits arguments

Plaintiff's statement of facts contains various legal arguments. Indeed, its sections titled “The History and Purpose of the Subject-in-Title Requirement” and “The History and Purpose of the Bill Introduction Deadline” are versions of the legal arguments Plaintiff raised in its Motion for Summary Judgment and Opposition to the State's Motion for Summary Judgment in the

circuit court. Plaintiff's merits arguments will be addressed in full in the appellate briefing yet to be submitted by the parties. The State responds briefly here to note its disagreement with the legal arguments Plaintiff chose to include in its transfer application.

1. Count I

Plaintiff asserts that the Circuit Court's determination that the title of Act 290 did not violate Haw. Const. art. III, § 14 means that "the Legislature can simply title every bill as 'Relating to Government.'" Application for Transfer ("App.") at 9.¹ Not so.

This Court has already articulated the test to determine whether a bill title is constitutional: "It is sufficient if the title of an ordinance fairly indicates to the ordinary mind the general subject of the act, is comprehensive enough to reasonably cover all its provisions, and is not calculated to mislead[.]" *Schwab v. Ariyoshi*, 58 Haw. 25, 34, 564 P.2d 135, 141 (1977). This test – which was applied by the Circuit Court (ROA 71 (Order) at 4)² – requires comparing the title and contents of the *specific* bill at issue. In this case, the State argued that the title "Relating to Government" was sufficient as to the contents of Act 290 – an act relating to government-provided pension benefits for government employees. The State never took the position that "Relating to Government" will always be constitutional for every possible bill; indeed, the State acknowledged that not every law relates to the operation of government or the institutions of government itself, and thus, could not be titled "Relating to Government." ROA 45 at 5.

In a footnote, Plaintiff suggests that the Circuit Court's decision "poses serious concerns under the single subject mandate" and could allow for logrolling. App. at 8 n.6. This is unfounded. Plaintiff ignores that in addition to being germane to the general title of legislation,

¹ Citations to the Application for Transfer will refer to the page number printed at the bottom of the document.

² Citations to the Record on Appeal will refer to the PDF page number of the docket.

all provisions in an act must also be germane to each other. *Schwab*, 58 Haw. at 33, 564 P.2d at 140. There was no allegation in this case that the provisions in Act 290 were not germane to each other, and nothing in the Circuit Court’s decision would preclude an act from being challenged on that basis.

2. Count II

With respect to Count II, the Circuit Court determined that art. III, § 12 is “clear and unambiguous” and “does not expressly prescribe that a bill at introduction must contain a minimum level of substantive detail, nor does it expressly state that amendments made after the bill-introduction deadline must be germane to the bill as introduced.” ROA 71 at 6. This does not mean, as Plaintiff suggests, that art. III, § 12’s language requiring the Legislature to provide for a bill introduction by rule is unenforceable. The case would be different if, for instance, either house did not set a deadline, or a bill was not introduced before the deadline. It is undisputed that neither occurred here.

Nor does the Circuit Court’s decision make the public’s opportunity to review every introduced bill “worthless.” App. at 9. The bill introduction deadline does not work alone, but in tandem with other constitutional procedural requirements. Plaintiff fails to recognize that every bill, regardless of how much “substance” it has at introduction can already be amended into a significantly different final form so long as the three-readings requirement is restarted after any non-germane amendment. *League of Women Voters of Honolulu*, 150 Hawai‘i 182, 207, 499 P.3d 382, 407 (2021) (holding that Haw. Const. art. III, § 15 “requires the three readings to begin anew after a non-germane amendment[.]”). Indeed, the non-germane amendments at issue in *League of Women Voters* occurred well after the bill introduction deadline, *id.* at 187, 499 P.3d at

387 (noting that the contents of the bill were replaced on March 21, 2018),³ yet this Court held that the amendments merely required the three readings requirement to “restart.” *Id.* at 206, 499 P.3d at 406. The Circuit Court’s decision as to Count II changes nothing about the status quo post-*League of Women Voters*. And since that case was decided five years ago, Plaintiff’s fears about the introduction of “thousands of documents that are simply numbers and titles” has not materialized. App. at 9.⁴

DATED: Honolulu, Hawai‘i, October 15, 2026.

/s/ Lauren K. Chun

KALIKO‘ONĀLANI D. FERNANDES

LAUREN K. CHUN

Attorneys for Defendant-Appellee/Cross-Appellant
STATE OF HAWAI‘I

³ The bill introduction deadline for the 2018 regular session was January 24, 2018. 2018 Senate Journal, at 110; 2018 House Journal, at 80.

⁴ Indeed, given the short length of the legislative session, the committee hearing process, the bicameral nature of the Legislature, the sheer volume of proposed legislation that must be reviewed and moved through the legislative process, and critically, each legislator’s political accountability to their constituents, the possibility that the Legislature would introduce every bill as a short-form bill is implausible on its face.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document has been served electronically (through the Court's JEFS system), or conventionally via US Mail, upon the following parties on the date below:

Robert Brian Black, Esq.
Benjamin M. Creps, Esq.
Public First Law Center
700 Bishop Street, Suite 1701
Honolulu, Hawai'i 96813
Tel: (808) 531-4000
E-mail: brian@publicfirstlaw.org
ben@publicfirstlaw.org

Attorneys for Plaintiff-Appellant/Cross-Appellee
LEAGUE OF WOMEN VOTERS OF HAWAII

DATED: Honolulu, Hawai'i, October 15, 2026.

/s/ Lauren K. Chun

KALIKO'ONĀLANI D. FERNANDES
LAUREN K. CHUN

Attorneys for Defendant-Appellee/
Cross-Appellant STATE OF HAWAII