

<p>STATE OF HAWAI'I CIRCUIT COURT OF THE FIRST CIRCUIT</p>	<p>MINUTE ORDER (RELATED TO DKT. ## 13, 17)</p>	<p>Electronically Filed FIRST CIRCUIT 1CCV-25-0001456 06-FEB-2026 10:20 AM Dkt. 47 MORD</p>
<p>CASE NO. 1CCV-25-0001456 (JJK)</p>		
<p>LEAGUE OF WOMEN VOTERS OF HAWAII, Plaintiff, vs. STATE OF HAWAI'I, Defendant.</p>	<p>FILING PARTY Judge Jordon J. Kimura 16th Div., Circuit Court of the First Circuit 777 Punchbowl Street Honolulu, Hawai'i 96813 (808) 539-4664</p>	

This Minute Order pertains to Plaintiff League of Women Voters of Hawaii's *Motion for Summary Judgment*, filed October 7, 2025 [Dkt. # 13], and Defendant State of Hawaii's *Motion for Summary Judgment*, filed October 7, 2025 [Dkt. # 17]. Both motions came before the Court for hearing on February 4, 2026, and upon hearing arguments of the parties, the Court continued the hearing to February 27, 2026, at 9:00 a.m., and indicated it would issue a minute order setting forth specific issues on which the parties are to submit supplemental memoranda. These issues are outlined below:

- Provide any applicable authority addressing whether the germaneness standard applies at the time of bill introduction under the Hawai'i Constitution. If you are unable to find any authority, provide supporting authority for why this Court should or should not extend the germaneness standard to the time of bill introduction. If a party contends that the germaneness standard should apply at bill introduction, would all short form bills fail the standard? Please also address whether the germaneness standard articulated by the Hawai'i Supreme Court in *League of Women Voters* under Article III, Section 15 should be construed as limited to amendments made after introduction and first reading under Article III, Section 15, or whether its rationale supports some role at the bill introduction stage under Article III, Section 12. If a party contends that germaneness cannot apply at introduction, it should explain why the purposes identified in *League* (continuity of subject, public notice, and transparency) do not logically extend to the period between introduction and final passage.
- Can germaneness supply a judicially manageable limiting principle for distinguishing: (a) a permissible short-form bill that, despite its brevity, still discloses a subject to which subsequent, additional detail can be germane, from (b) an impermissible shell so empty that no meaningful subject is disclosed and germaneness cannot operate? If so, what minimum level of subject-matter disclosure is necessary at introduction for germaneness to function (e.g., identification of a chapter or topic; identification of a class of affected actors)?
- Does the existence of a germaneness test grounded in constitutional text and history (as recognized in *League*) undercut the State's argument that there are "no judicially

discoverable and manageable standards” for enforcing Article III, Section 12 as it relates to the definition, form, or qualifications of a bill. If not, why can that test not be adapted or used by analogy in the Section 12 context? Conversely, if the State maintains that Count II presents a political question, it should explain why germaneness is sufficiently manageable for Section 15 but not for any aspect of Section 12.

- Related to the parties’ arguments *Nelson v. Hawaiian Homes Comm’n* and its reliance on the six-factor *Baker v. Carr* test, on the one hand, and *League of Women Voters of Honolulu v. State*, on the other hand:
 1. Can a party articulate a principled way to distinguish between (a) enforcing constitutional procedural requirements (e.g., three readings; bill-introduction deadline) and (b) policing internal rule compliance (other deadlines, content definitions)?
 2. Identify and explain the precise point at which, in your party’s view, a court crosses from the former into the latter.
- If the Court were to conclude that at least one of the *Nelson/Baker* factors is implicated (e.g., textually demonstrable commitment; lack of judicially manageable standards) but not the other, analyze whether that is sufficient to render Count II non-justiciable, and why.
- At the hearing, counsel for Plaintiff indicated that if the Court were to grant their motion, the unintended consequence would be the elimination of short form bills to address emergency circumstances and that such emergencies, should they arise, may be addressed by way of a special session. How would your party reconcile this with an emergency that arises between the final bill introduction deadline and the close of the legislative session? Also address whether the Court should take into consideration these unintended consequences in deciding the Motions for Summary Judgment.
- If the Court were to certify the legal issues outlined in the cross-motions for summary judgment as reserved questions for disposition by the Hawai’i Supreme Court pursuant to Rule 15 of the Hawai’i Rules of Appellate Procedure, what should be the reserved question(s)?

As advised at the February 4, 2026 hearing, each party’s supplemental memorandum addressing the issues outlined shall be filed no later than March 13, 2026, and each party’s supplemental reply in response to the opposing party’s supplemental memorandum shall be filed no later than March 20, 2026. Filings due March 13, 2026 shall be limited to 20 pages, and filings due on March 20, 2026 shall be limited to 10 pages.

SO ORDERED:

/s/ Jordon J. Kimura
Judge of the Above-Entitled Court



Dated: February 5, 2026