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FIRST CIRCUIT  
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Dkt. 71 ORD

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT  
STATE OF HAWAII

LEAGUE OF WOMEN VOTERS OF  
HAWAII,

Plaintiff,

vs.

STATE OF HAWAII,

Defendant.

Civil No. 1CCV-25-0001456 (JJK)  
(Declaratory Judgment)

AMENDED ORDER (1) GRANTING  
DEFENDANT STATE OF HAWAII'S  
MOTION FOR SUMMARY JUDGMENT,  
FILED OCTOBER 7, 2025 [DKT. # 17];  
AND (2) DENYING PLAINTIFF  
LEAGUE OF WOMEN VOTERS OF  
HAWAII'S MOTION FOR SUMMARY  
JUDGMENT, FILED OCTOBER 7, 2025  
[DKT. # 13]

**Hearings:**

Date: February 4, 2026

Time: 10:30 a.m.

Date: March 27, 2026

Time: 9:00 a.m.

Judge: Jordon J. Kimura

Trial Date: None Set

AMENDED<sup>1</sup> ORDER (1) GRANTING DEFENDANT STATE OF HAWAII'S  
MOTION FOR SUMMARY JUDGMENT, FILED OCTOBER 7, 2025 [DKT. # 17]; AND (2)  
DENYING PLAINTIFF LEAGUE OF WOMEN VOTERS OF HAWAII'S  
MOTION FOR SUMMARY JUDGMENT, FILED OCTOBER 7, 2025 [DKT. # 13]

On October 7, 2025, the parties in this matter, Plaintiff League of Women Voters of Hawaii  
("Plaintiff League") and Defendant State of Hawai'i ("Defendant State") filed cross-motions for

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<sup>1</sup> This amended order supersedes the order issued at Dkt. # 69 and includes language inadvertently omitted from the prior version.

summary judgment. *See* Dkt. # 13 (Plaintiff League’s *Motion for Summary Judgment*, filed October 7, 2025 (hereinafter, “Plaintiff League’s MSJ”)); Dkt. # 17 (*State of Hawaii’s Motion for Summary Judgment*, filed October 7, 2025 (hereinafter, “Defendant State’s MSJ”)). On January 27, 2026, the parties each filed an opposition to the other party’s cross-motion. *See* Dkt. ## 39, 41. On January 30, 2026, the parties filed their reply memoranda in support of their respective cross-motion for summary judgment. *See* Dkt. ## 43, 45.

The Court first heard the cross-motions for summary judgment on February 4, 2026. R. Brian Black, Esq. appeared in person on behalf of Plaintiff League, and Deputy Solicitor General Lauren K. Chun, Esq. appeared in person on behalf of Defendant State. Upon hearing the arguments of the parties, the Court continued the hearing and requested that the parties file supplemental submissions in support of their respective motions based on the questions set forth in the Minute Order, filed February 6, 2026 [Dkt. # 47].

On March 13, 2026, the parties thereafter filed responsive supplemental memoranda addressing the Court’s questions. *See* Dkt. ## 53, 55. On March 20, 2026, the parties filed their supplemental responses to the March 13, 2026 filings. *See* Dkt. ## 57, 59.

The Court heard further argument on the cross-motions on March 27, 2026. Mr. Black appeared in person on behalf of Plaintiff League, and Deputy Solicitor General Chun appeared in person on behalf of Defendant State. Upon hearing further arguments of the parties, the Court took the matter under advisement.

On April 1, 2026, the Court issued its *Court’s Order (1) for Reserved Questions Pursuant to Rule 15 of the Hawai‘i Rules of Appellate Procedure and (2) Staying Proceedings*, which reserved questions in this matter for the Hawai‘i Supreme Court. *See* Dkt. # 63. On May 22, 2026, the Hawai‘i Supreme Court issued an order returning the questions to this Court for decision

in the first instance, which lifted the stay imposed by the Court. *See* Dkt. # 7 in Case No. SCRQ-26-0000336.

After careful review and consideration of the cross-motions, the responsive and supplemental filings, and the arguments presented, and being fully advised in the premises, the Court issues the following as its written order on the cross-motions.

As an initial matter, both parties agree that there are no factual issues in dispute and this case can be decided as a matter of law. The Court GRANTS the unopposed request by Defendant State for this Court to take judicial notice of Exhibits “1”-“3” and “5” attached to Defendant State’s MSJ<sup>2</sup> because those exhibits are publicly available documents, accessible on official government websites, and thus, are “capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.” Rule 201(b) of the Hawai‘i Rules of Evidence; *see also Botelho v. Atlas Recycling Ctr., LLC*, 146 Hawai‘i 435, 447 n.9, 463 P.3d 1092, 1104 n.9 (2020) (taking judicial notice of documents found on an official state website).

In **Count I** of its Complaint, filed September 2, 2025 [Dkt. # 1] (“Complaint”), Plaintiff League challenges Act 290 (S.B. 935) (2025) under Article III, section 14 of the Hawai‘i State Constitution, which provides that “[e]ach law shall embrace but one subject, which shall be expressed in its title.” Haw. Const. art. III, § 14. The Complaint alleges that the title of S.B. 935,

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<sup>2</sup> These exhibits are as follows: Exhibit “1” are excerpts of the Rules of the House of Representatives of State of Hawai‘i, Thirty-Third Legislature, 2025-2026; Exhibit “2” are excerpts of the Rules of the Senate of the State of Hawai‘i, Thirty-Third Legislature, 2025-2026; Exhibit “3” is a copy of the 2025 Legislative Timetable, signed by the President of the Senate and the Speaker of the House; and Exhibit “5” is a printout of the dates of action taken by the Legislature on S.B. 935. A link to each of these exhibits is available at Dkt. # 17 at 25-27. The Court declines to take judicial notice of Exhibits “4”-“12” to Defendant State’s MSJ, as no judicial notice is required for this Court to consider extrinsic aids to determine legislative intent, including legislative history. *See, e.g., First Ins. Co. of Haw. v. A & B Props.*, 126 Hawai‘i 406, 415–17, 271 P.3d 1165, 1174–76 (2012) (considering legislative committee reports elucidating the purpose of a bill in interpreting the relevant statute).

“Relating to Government,” was unconstitutionally broad as it conveyed nothing about the bill’s contents, would not provide the public with notice of the bill’s general contents, obscured the actual content of the legislation, and was misleading. The Complaint further alleges that the amendments made after the bill-introduction deadline added substance regarding government pension benefits. Accordingly, Plaintiff requests that this Court declare the process by which Act 290 was adopted unconstitutional and that Act 290 be voided.

Legislative enactments are presumptively constitutional, and the party challenging an enactment bears the burden of showing unconstitutionality beyond a reasonable doubt. *Schwab v. Ariyoshi*, 58 Haw. 25, 31, 564 P.2d 135, 139 (1977) (citing *Bishop v. Mahiko*, 35 Haw. 608 (Haw. Terr. 1940); *In re Mott-Smith*, 29 Haw. 343 (Haw. Terr. 1926)). For a court to nullify such a presumption of validity, “the infraction should be plain, clear, manifest, and unmistakable.” *Id.* A title is sufficient if it “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*, 58 Haw. at 34, 564 P.2d at 141. The title need not describe the specific contents of the bill; but rather, the title is constitutional when no part of the bill is foreign to the subject of the legislation as noted by the title. *Id.* at 35, 564 P.2d at 141. On the other hand, “an act which contains provisions neither suggested by the title, nor germane to the subject expressed therein, is, to that extent void.” *Id.* at 34, 564 P.2d at 141. This constitutional requirement must be liberally construed. *See id.*

Here, Act 290 was titled “Relating to Government,” and the provisions ultimately enacted in Act 290 concern government retirement or pension benefits, including judicial retirement benefits and an Employees’ Retirement System study. While the title is broad, those enacted provisions relate to government. Accordingly, Plaintiff League cannot show beyond a reasonable

doubt that those provisions are foreign to the title “Relating to Government” or that the title was calculated to mislead. In order to establish a plain, clear, manifest, and unmistakable violation of Article III, section 14 as to Act 290. The Court therefore concludes that Defendant State is entitled to summary judgment on Count I because it has established that (1) Plaintiff League cannot carry its burden of proof at trial; and (2) no genuine issues of material fact exist such that it is entitled to judgment as a matter of law on this claim. *See Ralston v. Yim*, 129 Hawai‘i 46, 57, 292 P.3d 1276, 1287 (2013).<sup>3</sup>

As to **Count II** of the Complaint, this claim is justiciable. In *League of Women Voters of Honolulu v. State*, 150 Hawai‘i 182, 499 P.3d 382 (2021), the Hawai‘i Supreme Court treated alleged violations of constitutional mandates governing the legislative process as appropriate for judicial review, and Plaintiff League’s supplemental memorandum likewise relies on the same authority for the proposition that alleged violations of constitutional mandates concerning the legislative process are not categorically nonjusticiable political questions. *See id.* at 192, 499 P.3d at 392. The Court therefore reaches the merits.

In Count II, Plaintiff League asserts that S.B. 935 did not satisfy Article III, section 12 because, before the January 23, 2025 bill-introduction deadline, S.B. 935 allegedly lacked substantive content and therefore did not qualify as a “bill” under the Hawai‘i Constitution. Plaintiff alleges that S.B. 935 was introduced on January 17, 2025, with the title “Relating to Government” and with the content stating only that the purpose of the bill was to “effectuate the title of this Act.” *See* S.B. 935, 33rd Leg., Reg. Sess. (2025). Substantive provisions regarding

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<sup>3</sup> In issuing this ruling, the Court does not conclude that such a title will invariably satisfy Article III, section 14. The Court recognizes Plaintiff League’s argument that a title may be so broad that it provides no meaningful notice, but concludes that Plaintiff League cannot meet its burden to show that the title here is unconstitutional as applied to Act 290.

government pension benefits were not added until February 19, 2025, after the bill-introduction deadline. *See* Exh. “5” to State’s MSJ; S.B. 935, S.D. 1, 33rd Leg., Reg. Sess.

The decisive question is whether Article III, section 12 should be interpreted to include a judicially enforceable minimum-substance requirement or a germaneness-at-introduction requirement. The Court concludes that Plaintiff League has not shown that Article III, section 12 imposes either requirement. “[T]he general rule is that, if the words used in a constitutional provision are clear and unambiguous, they are to be construed as they are written. In this regard, the settled rule is that in the construction of a constitutional provision the words are presumed to be used in their natural sense unless the context furnishes some ground to control, qualify, or enlarge them.” *League of Women Voters of Honolulu*, 150 Hawai‘i at 189, 499 P.3d at 389 (quoting *Hanabusa v. Lingle*, 105 Hawai‘i 28, 31-32, 93 P.3d 670, 673-74 (2004) (brackets in original)).

Article III, section 12 provides, in clear and unambiguous language, that each house must establish its own rules of procedure and, by rule applicable to both houses, set the deadline by which all bills to be considered in a regular session must be introduced. Haw. Const. art. III, § 12. The provision 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. *See generally* Haw. Const. art. III, § 12. There is no question that the Legislature set January 23, 2025 as the bill-introduction deadline and S.B. 935 was introduced before that date. *See* Exhs. “1”-“3” to State’s MSJ; S.B. 935, 33rd Leg., Reg. Sess. (2025).

In *League of Women Voters of Honolulu*, the Hawai‘i Supreme Court applied the germaneness standard to Article III, section 15 by comparing the form of a bill as introduced with the bill as amended after first reading. *See* 150 Hawai‘i at 200, 499 P.3d at 400. By contrast,

applying the germaneness standard at the moment of introduction would require the Court to determine, *before* any amendments, whether an introduced measure contains enough substance to qualify as a “bill” under Article III, section 12. Defendant State’s supplemental memorandum argues that germaneness is a relational concept and applying the standard at bill introduction would require the Court to assess whether the bill could be germane to hypothetical future amendments. This is a meaningful distinction from *League of Women Voters of Honolulu*. Germaneness is manageable when a court compares a challenged amendment with the earlier version of the bill. *See League of Women Voters of Honolulu*, 150 Hawai‘i at 205, 499 P.3d at 405 (holding Article III, section 15’s three-readings requirement begins anew when a non-germane amendment changes the object or subject of the bill so substantially that it is no longer related to the original bill as introduced because in such circumstances, the same bill has not received the constitutionally required readings). It is materially different to require a court to decide, at bill introduction, how much substantive content is constitutionally sufficient for a bill that has not yet been amended.

The Court also does not read *League of Women Voters of Honolulu* as requiring, under Article III, section 12, an invalidation of every post-deadline amendment that is not germane to the bill as introduced. Defendant State’s supplemental memorandum argues that the final-printing and three-readings requirements serve to provide notice and time to review subsequent amendments after introduction. However, Article III, section 15 expressly regulates passage, readings, and final printed form of a bill; whereas Article III, section 12 expressly regulates the setting of an introduction deadline by rule. Haw. Const. art. III, §§ 12, 15.

The Court recognizes Plaintiff League’s contrary argument that *League of Women Voters of Honolulu* described the bill-introduction deadline, mid-session recess, final-printing requirement, and three-readings requirement as interdependent restrictions designed to protect

public notice and participation. Plaintiff League further argues that, without a germaneness limitation under Article III, section 12, the bill-introduction deadline could be reduced to a formality because a shell bill could later be converted into unrelated legislation. The Court has considered that argument, but concludes that *League of Women Voters of Honolulu* used Article III, section 12 as part of its structural and purposive analysis supporting enforcement of Article III, section 15's three-readings requirement; it did not hold that Article III, section 12 independently imposes a minimum-substance or germaneness-at-introduction rule. *See* 150 Hawai'i at 193, 499 P.3d at 393.

Ultimately, the Court declines to rule that Article III, section 12 of the Hawai'i Constitution requires an introduced bill to contain a judicially defined minimum level of substance or a judicially cognizable subject sufficient for later review on germaneness. To be clear, this ruling does not hold that Article III, section 12 is unenforceable. The Court only holds that Plaintiff League cannot meet its burden to show beyond a reasonable doubt that Article III, section 12 invalidates Act 290 because S.B. 935 was introduced as a short-form bill or because it allegedly lacked sufficient substantive content at introduction. For all these reasons, Defendant State is entitled to summary judgment on Count II because it has established that (1) Plaintiff League cannot carry its burden of proof at trial on this claim; and (2) no genuine issues of material fact exist such that Defendant State is entitled to judgment as a matter of law on this claim. *See Ralston*, 129 Hawai'i at 57, 292 P.3d at 1287.

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Accordingly, based on the foregoing, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant State's MSJ is **GRANTED** and Plaintiff League's MSJ is **DENIED**.



Deputy Solicitor General Chun is directed to prepare a final judgment in accordance with this amended Order.

DATED: Honolulu, Hawai‘i, July 20, 2026.

/s/ JORDON J. KIMURA  
Judge of the Above-Entitled Court

