

EXECUTIVE CHAMBERS

HONOLULU

July 6, 2010

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 444

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 444, entitled "A Bill for an Act Relating to Civil Unions."

There are many aspects to House Bill No. 444, but in its language, this legislation seeks to change Hawaii's current laws to grant partners in a civil union "all the same rights, benefits, protections, and responsibilities under law, whether derived from statutes, administrative rules, court decisions, the common law, or any other source of civil law, as are granted to those who contract, obtain a license, and are solemnized pursuant to chapter 572," our marriage statute. It is essentially marriage by another name.

I have been open and consistent in my opposition to same gender marriage, but my personal opinion is not the basis for my decision against passage of this legislation.

This decision is of such societal significance that the people of Hawaii deserve the right to directly decide whether the changes contemplated by House Bill No. 444 should become law. It would be a mistake to allow a decision of this magnitude to be made solely on the views of a single individual or by 76 elected officials out of a population of 1,300,000. Ours is a system of representative government, but also one that recognizes that,

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from time to time, there are issues that require the reflection, collective wisdom, and consent of the people and reserves to them the right to directly decide those matters. This is one such issue.

The subject of this legislation has touched the hearts and minds of our citizens as no other social issue of the day, and it has touched me deeply as well.

I have been deliberative in undertaking an extensive review of this matter, inviting public testimony that has provided me with thousands of responses in the form of poignant letters, calls, emails, petitions, and personal meetings.

I have read commentaries and legal opinions, and held sessions with numerous individuals and groups, both for and against House Bill No. 444. I am extremely grateful to all who have taken the time to share with me their thoughts and feelings on this important matter.

Through this process I have gained a greater respect, understanding, and appreciation of the deeply felt emotions and beliefs that people hold on this issue and of the passion of both sides in advocating for something in which they believe so strongly.

This process has convinced me that my personal beliefs alone should not be the basis for my decision.

I have weighed the legal arguments and opinions offered on the bill and heard concerns over ambiguities that some have

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cited as reason enough for disallowing its passage. But this is also not a matter that should ultimately be determined on the basis of technical issues. It is a decision that should only be made based on what we as a society are willing to support.

It is not only a question of whether expanded legal recognition of same gender couples should be allowed, but a question of who should make that determination and how it should be made.

Unfortunately, the manner in which this bill has been handled has brought into question the fairness of the legislative process. A member of the majority party in the House said, "This is one of the most important votes any legislator will ever make. It is a shame that the vote couldn't have been done in a more dignified and open way." That member went on to assert, "When the legislative process is manipulated – whether unintentionally or deliberately – the public feels deceived."

I have chosen not to allow House Bill No. 444 to become law because of the respect that I have for the importance of this issue. It is one that should be decided not behind closed doors but behind the curtain of a voting booth. I have full faith and confidence that the good people of Hawaii, if given the opportunity, will choose what is best for our society.

Therefore, I call upon the members of the Legislature to allow Hawaii's citizens the right to determine whether we reserve marriage and its rights, benefits, protections, and responsibilities to heterosexual couples or expand the definition of marriage to include same gender unions by placing on the

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ballot at the next opportunity a straightforward question that settles this important issue.

For the foregoing reasons, I am returning House Bill No. 444 without my approval.

Respectfully,



LINDA LINGLE
Governor of Hawaii