



DEPARTMENT OF THE ATTORNEY GENERAL

News Release

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SUPREME COURT INVALIDATES VOTES CAST ON INFORMATION CHARGING AMENDMENT TO STATE CONSTITUTION

The Supreme Court issued its decision in *Watland v. Lingle* this afternoon. This election challenge case was filed after the 2002 general election to invalidate the votes cast at the election on an amendment to the State Constitution to allow prosecutors to charge crimes by information. 217,163 yes votes, 120,613 no votes, and 40,919 blank or over votes were cast at the election.

The Court concluded that the constitutional amendment was not validly ratified because the full text of the proposed amendment had not been provided to the public libraries and published in any newspaper of general circulation in four separate weeks prior to the election.

Attorney General Mark Bennett stated, "We are disappointed in the outcome."

Bennett noted that the State's election contest statute specifies that if the Supreme Court invalidates the results of an election that has been contested, "a certified copy of [the judgment] shall be filed with the governor, and the governor shall duly call a new election to be held not later than one hundred twenty days after the judgment is filed." He also stated that "to avoid the expense of holding a third election this year and allow as many voters to vote on the amendment as possible, the Attorney General's office plans to file a motion to stay the filing of the judgment so that the election that needs to be held as a result of the Court's ruling may be held in conjunction with the 2004 general election."

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