

JAN 27 2021

A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 4, OF THE
CONSTITUTION OF THE STATE OF HAWAII TO ESTABLISH
LEGISLATIVE TERM LIMITS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that at least fifteen
2 states have legislative term limits, which range from six to
3 twelve years. Although the backing for enacting legislative
4 term limits does have merit in certain circumstances, to promote
5 fairness and equity between separate and co-equal branches of
6 government any term limits for legislators should be longer than
7 the term limit of the governor of the applicable state.

8 Since the governor of Hawaii is subject to a term limit of
9 two consecutive full terms, or eight years, enacting similar
10 legislative term limits for legislators in Hawaii would make the
11 State legislators weaker and the governor stronger due to the
12 broad constitutional, statutory, and rule-making powers of the
13 governor and the governor's administration. For example, the
14 governor already has widespread authority and discretion through
15 the executive branch; the governor has considerable budget
16 powers, including restricting funds; and there is no elected



1 state treasurer, attorney general, or secretary of state, as is
2 the case in most states. To maintain a modicum of balance of
3 powers in Hawaii between the legislative and executive branches
4 of government, legislative term limits should be longer than the
5 governor's term limit. This Act is intended to start a
6 discussion about legislative terms limits and the number of
7 years for these limits.

8 The purpose of this Act is to propose an amendment to
9 article III, section 4, of the Constitution of the State of
10 Hawaii to limit the terms of members of the legislature to a
11 maximum of sixteen years in the house of representatives or
12 senate, or both, for terms beginning on or after the general
13 election of 2024.

14 SECTION 2. Article III, section 4, of the Constitution of
15 the State of Hawaii is amended to read as follows:

16 **"ELECTION OF MEMBERS; TERM**

17 **Section 4.** Each member of the legislature shall be elected
18 at an election. If more than one candidate has been nominated
19 for election to a seat in the legislature, the member occupying
20 that seat shall be elected at a general election. If a
21 candidate nominated for a seat at a primary election is



1 unopposed for that seat at the general election, the candidate
2 shall be deemed elected at the primary election. The term of
3 office of a member of the house of representatives shall be two
4 years and the term of office of a member of the senate shall be
5 four years[-]; provided that for terms beginning on or after the
6 general election of 2024, no member of the legislature shall
7 serve for more than sixteen years in the house of
8 representatives or senate, or both. The term of a member of the
9 legislature shall begin on the day of the general election at
10 which elected or if elected at a primary election, on the day of
11 the general election immediately following the primary election
12 at which elected. For a member of the house of representatives,
13 the term shall end on the day of the general election
14 immediately following the day the member's term commences. For
15 a member of the senate, the term shall end on the day of the
16 second general election immediately following the day the
17 member's term commences."

18 SECTION 3. The question to be printed on the ballot shall
19 be as follows:

20 "Shall the Constitution of the State of Hawaii be amended
21 to limit members of the Hawaii state legislature to serving



1 a maximum of sixteen years in the Hawaii state house of
2 representatives or senate, or both, for terms beginning on
3 or after the general election of 2024?"

4 SECTION 4. Constitutional material to be repealed is
5 bracketed and stricken. New constitutional material is
6 underscored.

7 SECTION 5. This amendment shall take effect upon
8 compliance with article XVII, section 3, of the Constitution of
9 the State of Hawaii.

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INTRODUCED BY:





S.B. NO. 1301

Report Title:

Legislative Term Limits; Constitutional Amendment

Description:

Proposes a constitutional amendment to limit the terms of members of the legislature to a maximum of sixteen years in the house of representatives or senate, or both, for terms beginning on or after the general election of 2024.

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