

1 end on the same dates as the governor, and no person shall be
2 elected to the office of attorney general for more than two
3 consecutive full terms.

4 No person shall be eligible for the office of attorney
5 general unless the person is a qualified voter, has attained the
6 age of thirty years, has been a licensed attorney in this State
7 for at least five years and has been a resident of this State
8 for five years immediately preceding the person's election.

9 The attorney general shall not hold any other office or
10 employment for profit under the State or the United States
11 during the attorney general's term of office.

12 The powers, duties and compensation of the attorney general
13 shall be as provided by law.

14 When the office of attorney general is vacant, or in the
15 event of the absence of the attorney general from the State or
16 the attorney general's inability to exercise and discharge the
17 powers and duties of the attorney general, such powers and
18 duties shall devolve upon the deputy attorneys general in order
19 of succession as may be provided by law.



1 The legislature shall by law provide for the manner and
2 procedure of removal by impeachment of the appointive officers.

3 Judgments in cases of impeachment shall not extend beyond
4 removal from office and disqualification to hold and enjoy any
5 office of honor, trust or profit under the State; but the person
6 convicted may nevertheless be liable and subject to indictment,
7 trial, judgment and punishment as provided by law."

8 SECTION 4. Article V, section 6, of the Constitution of the
9 State of Hawaii is amended to read as follows:

10 **"EXECUTIVE AND ADMINISTRATIVE OFFICES AND DEPARTMENTS**

11 **Section 6.** All executive and administrative offices,
12 departments and instrumentalities of the state government and
13 their respective powers and duties shall be allocated by law
14 among and within not more than twenty principal departments in
15 such a manner as to group the same according to common purposes
16 and related functions. Temporary commissions or agencies for
17 special purposes may be established by law and need not be
18 allocated within a principal department.

19 Each principal department shall be under the supervision of
20 the governor and, unless otherwise provided in this constitution
21 or by law, shall be headed by a single executive. Such single



1 executive shall be nominated and, by and with the advice and
2 consent of the senate, appointed by the governor. That person
3 shall hold office for a term to expire at the end of the term
4 for which the governor was elected, unless sooner removed by the
5 governor[; ~~except that the removal of the chief legal officer of~~
6 ~~the State shall be subject to the advice and consent of the~~
7 ~~senate~~].

8 Except as otherwise provided in this constitution, whenever
9 a board, commission or other body shall be the head of a
10 principal department of the state government, the members
11 thereof shall be nominated and, by and with the advice and
12 consent of the senate, appointed by the governor. The term of
13 office and removal of such members shall be as provided by law.
14 Such board, commission or other body may appoint a principal
15 executive officer who, when authorized by law, may be an ex
16 officio, voting member thereof, and who may be removed by a
17 majority vote of the members appointed by the governor.

18 The governor shall nominate and, by and with the advice and
19 consent of the senate, appoint all officers for whose election
20 or appointment provision is not otherwise provided for by this
21 constitution or by law. If the manner or removal of an officer



1 is not prescribed in this constitution, removal shall be as
2 provided by law.

3 When the senate is not in session and a vacancy occurs in
4 any office, appointment to which requires the confirmation of
5 the senate, the governor may fill the office by granting a
6 commission which shall expire, unless such appointment is
7 confirmed, at the end of the next session of the senate. The
8 person so appointed shall not be eligible for another interim
9 appointment to such office if the appointment failed to be
10 confirmed by the senate.

11 No person who has been nominated for appointment to any
12 office and whose appointment has not received the consent of the
13 senate shall be eligible to an interim appointment thereafter to
14 such office.

15 Every officer appointed under the provisions of this
16 section shall be a citizen of the United States and shall have
17 been a resident of this State for at least one year immediately
18 preceding that person's appointment, except that this residency
19 requirement shall not apply to the president of the University
20 of Hawaii."



1 SECTION 5. The question to be printed on the ballot shall
2 be as follows:

3 "Shall the attorney general of the State of Hawaii be
4 elected for a term of four years from among nonpartisan
5 candidates at a general election, instead of being
6 appointed by the governor?"

7 SECTION 6. Constitutional material to be repealed is
8 bracketed and stricken. New constitutional material is
9 underscored.

10 SECTION 7. This amendment shall take effect upon compliance
11 with article XVII, section 3, of the Constitution of the State
12 of Hawaii.

INTRODUCED BY: Jan M. ...

JAN 25 2023



H.B. NO. 1399

Report Title:

Constitutional Amendment; Election of Attorney General

Description:

Proposes a new section to article V of the Hawaii constitution to provide for the election of the attorney general. Amends article III, section 19, of the Hawaii constitution to allow for impeachment of the attorney general. Makes conforming amendment to article V, section 6, of the Hawaii Constitution relating to removal of the attorney general with the advice and consent of the senate.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

