

JAN 18 2023

A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 4, OF THE
CONSTITUTION OF THE STATE OF HAWAII TO LIMIT THE TOTAL
NUMBER OF YEARS THAT ANY PERSON MAY SERVE AS A STATE
LEGISLATOR.

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

1 SECTION 1. The legislature finds that at least fifteen
2 states impose legislative term limits, and limit legislators'
3 total lengths of service to periods ranging from six to twelve
4 years. Legislative term limits have merit in certain
5 circumstances. However, for the sake of promoting fairness and
6 equity between separate and co-equal branches of government, any
7 term limit imposed upon state legislators should allow for
8 longer lengths of service than the corresponding term limit of
9 that state's governor.

10 The legislature recognizes that the governor of Hawaii is
11 subject to a term limit of two consecutive full terms, or eight
12 years of service. However, limiting Hawaii legislators to eight
13 years of service would both weaken legislators and strengthen
14 the governor. This is due to the broad constitutional,
15 statutory, and rulemaking powers of the governor and the



1 administration. Notably, a governor has widespread authority
2 and discretion through the executive branch and exercises
3 considerable budget powers, including the power to restrict
4 funds. Further, Hawaii has no elected state treasurer, attorney
5 general, or secretary of state, as is the case in most states.
6 Accordingly, to maintain a true balance of powers in Hawaii
7 between the legislative and executive branches of government,
8 legislative term limits should be less restrictive than the term
9 limits imposed upon governors.

10 The purpose of this Act is to propose an amendment to
11 article III, section 4, of the Constitution of the State of
12 Hawaii to prohibit any person from serving more than a total of
13 sixteen years as a member of the legislature, exclusive of
14 service completed through the general election of 2026.

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

17 **"ELECTION OF MEMBERS; TERM**

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



1 candidate nominated for a seat at a primary election is
2 unopposed for that seat at the general election, the candidate
3 shall be deemed elected at the primary election. The term of
4 office of a member of the house of representatives shall be two
5 years and the term of office of a member of the senate shall be
6 four years. The term of a member of the legislature shall begin
7 on the day of the general election at which elected or if
8 elected at a primary election, on the day of the general
9 election immediately following the primary election at which
10 elected. For a member of the house of representatives, the term
11 shall end on the day of the general election immediately
12 following the day the member's term commences. For a member of
13 the senate, the term shall end on the day of the second general
14 election immediately following the day the member's term
15 commences. No person shall serve more than a total of sixteen
16 years as a member of the legislature, exclusive of service
17 completed through the general election of 2026."

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 prohibit any person from serving more than a total of sixteen



S.B. NO. 12

1 years as a member of the legislature, exclusive of service
2 completed through the general election of 2026?"

3 SECTION 4. New constitutional material is underscored.

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

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INTRODUCED BY:  _____



S.B. NO. 12

Report Title:

Legislative Terms; Years of Service; Constitutional Amendment

Description:

Proposes a constitutional amendment to prohibit any person from serving more than a total of 16 years as a member of the legislature.

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

