

JAN 19 2024

A BILL FOR AN ACT

AMENDING ARTICLE XVI, SECTION 3, OF THE CONSTITUTION OF THE
STATE OF HAWAII TO PREVENT CERTAIN INDIVIDUALS FROM SERVING
IN PUBLIC OFFICE OR EMPLOYMENT.

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

1 SECTION 1. The legislature finds that citizens of this
2 State have the right to expect that public servants be people of
3 integrity, and not people who have committed actions that
4 threaten democracy or undermine the vote of the people.

5 The purpose of this Act is to propose to amend article XVI,
6 section 3, of the Constitution of the State of Hawaii to more
7 closely reflect the language of Section 3 of the Fourteenth
8 Amendment to the Constitution of the United States.

9 SECTION 2. Article XVI, section 3, of the Constitution of
10 the State of Hawaii is amended to read as follows:

11 **"DISQUALIFICATIONS FROM PUBLIC OFFICE OR EMPLOYMENT**

12 **Section 3.** No person shall hold any elected office for
13 this State or any portion of this State, or serve as an elector
14 of the president or vice president, or hold any other public
15 office or employment, either as a civilian or a member of the
16 Hawaii national guard or successor entity, who ~~has been~~



1 ~~convicted of any act to overthrow, or attempt to overthrow, or~~
2 ~~conspiracy with any person to overthrow the government of this~~
3 ~~State or of the United States by force or violence.], having~~
4 previously sworn or affirmed to support the Constitution of the
5 United States, the Constitution of the State of Hawaii, or the
6 constitution of any other state, shall have engaged in
7 insurrection or rebellion against the same, or given aid or
8 comfort to the enemies thereof."

9 SECTION 3. The question to be printed on the ballot shall
10 be as follows:

11 "Shall article XVI, section 3, of the Constitution of the
12 State of Hawaii, which disqualifies certain persons from public
13 office or employment, be amended to more closely reflect the
14 language of Section 3 of the Fourteenth Amendment to the
15 Constitution of the United States, and not explicitly require
16 that a person be convicted of any act to overthrow, attempt to
17 overthrow, or conspiracy with any person to overthrow the
18 government of this State or the United States by force or
19 violence?"



1 SECTION 4. Constitutional material to be repealed is
2 bracketed and stricken. New constitutional material is
3 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.

7

INTRODUCED BY: *Kal Rhee*



S.B. NO. 2393

Report Title:

Constitutional Amendment; Public Office; Disqualification

Description:

Proposes to amend article XVI, section 3, of the Constitution of the State of Hawaii to more closely reflect the language of Section 3 of the Fourteenth Amendment to the Constitution of the United States. (ConAm)

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