
A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 4, OF THE HAWAII
STATE CONSTITUTION 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
7 than the term limit of the governor of the applicable state.

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



1 treasurer, attorney general, or secretary of state, as is the
2 case in most states. To maintain a modicum of balance of powers
3 in Hawaii between the legislative and executive branch of
4 government, legislative term limits should be longer than the
5 governor's term limit.

6 The legislature further finds that of the fifteen states
7 that have legislative term limits, Arizona, Colorado, Florida,
8 Maine, Missouri, Montana, Ohio, and South Dakota have sixteen-
9 year limits -- a maximum of eight years in their respective
10 house of representatives and eight years in their respective
11 senates.

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

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

19 **"ELECTION OF MEMBERS; TERM**

20 **Section 4.** Each member of the legislature shall be elected
21 at an election. If more than one candidate has been nominated



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



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1 SECTION 3. The question to be printed on the ballot shall
2 be as follows:

3 "Shall the Hawaii State Constitution be amended to limit
4 members of the Hawaii state legislature to serving a
5 maximum of sixteen years in the Hawaii state house of
6 representatives or senate, or both, for terms beginning
7 after the general election of 2024?"

8 SECTION 4. Constitutional material to be repealed is
9 bracketed and stricken. New constitutional material is
10 underscored.

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

14

INTRODUCED BY:

Brend Kobayashi

JAN 23 2023



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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 after the general election of 2024.

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