
A BILL FOR AN ACT

PROPOSING TO AMEND THE CONSTITUTION OF THE STATE OF HAWAII TO
AUTHORIZE THE RECALL OF OFFICIALS HOLDING STATE ELECTED
OFFICES.

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

1 SECTION 1. The purpose of this Act is to propose an
2 amendment to the Constitution of the State of Hawaii to
3 authorize qualified voters to recall any official holding a
4 state elected office, pursuant to standards and procedures for
5 recall that are provided by law, subject to certain specified
6 grounds for recall.

7 SECTION 2. Article II of the Constitution of the State of
8 Hawaii is amended by adding a new section to be appropriately
9 designated and to read as follows:

10 "RECALL OF OFFICIALS HOLDING STATE ELECTED OFFICES

11 Section . Qualified voters may recall any official
12 holding a state elected office, pursuant to standards and
13 procedures for recall that are provided by law; provided that
14 the grounds for any recall shall be that the official:

15 (1) While holding public office, engaged in conduct in a
16 manner that related to and adversely affected the



1 administration of the official's office and adversely
2 affected the rights and interests of the public; and

3 (2) Has:

4 (A) Committed an act or acts of malfeasance while in
5 the public office;

6 (B) Violated the official's oath of public office;

7 (C) Committed an act of misconduct in public office;

8 (D) Failed to perform duties prescribed by law; or

9 (E) Willfully misused, converted or misappropriated,

10 without authority, public property or public

11 funds entrusted to or associated with the public

12 office;

13 provided further that discretionary performance of a lawful act
14 or a prescribed duty shall not constitute grounds for recall."

15 SECTION 3. The question to be printed on the ballot shall
16 be as follows:

17 "Shall qualified voters have the power to recall any
18 official holding a state elected office, pursuant to standards
19 and procedures for recall that are provided by law; provided
20 that the grounds for any recall shall be that the official:



1 (1) While holding public office, engaged in conduct in a
2 manner that related to and adversely affected the
3 administration of the official's office and adversely
4 affected the rights and interests of the public; and

5 (2) Has:

6 (A) Committed an act or acts of malfeasance while in
7 the public office;

8 (B) Violated the official's oath of public office;

9 (C) Committed an act of misconduct in public office;

10 (D) Failed to perform duties prescribed by law; or

11 (E) Willfully misused, converted, or misappropriated,
12 without authority, public property or public
13 funds entrusted to or associated with the public
14 office;

15 provided further that discretionary performance of a lawful act
16 or a prescribed duty shall not constitute grounds for recall?"

17 SECTION 4. New constitutional material is underscored.



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

4

INTRODUCED BY: _____

A handwritten signature in black ink, appearing to be 'H. G.', written over a horizontal line.

JAN 24 2023



H.B. NO. 1137

Report Title:

State Constitution; Amendment; State Elected Official; Recall

Description:

Proposes an amendment to the Hawaii State Constitution to authorize qualified voters to recall any official holding a state elected office, pursuant to standards and procedures for recall that are provided by law, subject to certain specified grounds for recall.

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

