
A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION TO ESTABLISH
LEGISLATIVE TERM LIMITS.

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

1 SECTION 1. The Legislature finds that the decision of the
2 United States Supreme Court in *Buckley v. Valeo*, 424 U.S. 1
3 (1976), by disallowing certain campaign spending limits,
4 substantially impaired the ability of nonincumbents to challenge
5 elected officials. It is instructive to compare the election of
6 1974, the only state election with mandatory spending limits,
7 with the 1990 election.

8 In 1974, 22 new members were elected to the House of
9 Representatives (43 percent) and eight new members were elected
10 to the Senate (32 percent). As this election was held under the
11 1973 reapportionment plan, some of the turnover may be
12 attributable to changes in district boundaries. However, there
13 can be no doubt that this was an extraordinarily fruitful
14 election for bringing new blood into the process. Among the 22
15 new faces in the House of Representatives that year were a
16 former governor and the congressman from the First Congressional



1 District. Eighteen years later, four others were still members
2 of the Legislature.

3 In contrast, the 1990 elections saw the election of only
4 one new Senator. Even the solitary member of the Senate's
5 freshman class had prior elective experience and replaced a
6 Senator who did not seek reelection. Eleven incumbent Senators
7 ran in 1990; all were reelected. Of the ten incumbent
8 candidates from the majority party, five faced no opposition in
9 the primary or general election (but still spent between \$17,328
10 and \$41,632) and three others faced no general election
11 opposition. This includes one race that was technically
12 contested, but the opponent made no expenditure beyond the
13 filing fee of \$25.

14 Things were only a little better for challengers in the
15 House of Representatives in 1990. Seventeen incumbents gained
16 office without opposition by merely filing their nomination
17 papers, although they still spent an average of almost \$30,000
18 per candidate. Thirteen more incumbents faced only token
19 opposition. Of 49 incumbents running, only four were defeated.
20 Ninety-two percent of the incumbents successfully retained their
21 seats.



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 beginning on the day of the general
9 election of 2010, no member of the house of representatives
10 shall serve or have served more than twenty years as a
11 representative, and no member of the senate shall serve or have
12 served more than twenty years as a senator; provided further
13 that a member who reaches the twenty-year limit before the end
14 of the member's current term may remain in office for the entire
15 term.

16 The term of a member of the legislature shall begin on the
17 day of the general election at which elected or if elected at a
18 primary election, on the day of the general election immediately
19 following the primary election at which elected. For a member
20 of the house of representatives, the terms shall end on the day
21 of the general election immediately following the day the
22 member's term commences. For a member of the senate, the term



Report Title:

Legislative Term Limits

Description:

Limits the terms of members of the Legislature to a maximum of 40 years, consisting of a maximum of 20 years in the House of Representatives, and 20 years in the Senate, beginning on the day of the general election of 2010.

