

JAN 23 2009

A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 4, OF THE HAWAII
CONSTITUTION TO ESTABLISH LEGISLATIVE TERM LIMITS.

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

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

7 In 1974, 22 new members were elected to the house of
8 representatives (43 per cent) and eight new members were elected
9 to the senate (32 per cent). As this election was held under
10 the 1973 reapportionment plan, some of the turnover may be
11 attributable to changes in district boundaries. However, there
12 can be no doubt that this was an extraordinarily fruitful
13 election for bringing new blood into the process. Among the 22
14 new faces in the house of representatives that year were a
15 former governor and the congressman from the first congressional
16 district. Eighteen years later, four others were still members
17 of the legislature.



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

12 Things were only a little better for challengers in the 51-
13 member house of representatives in 1990. Seventeen incumbents
14 were elected, without opposition, by merely filing their
15 nomination papers, although they still spent an average of
16 almost \$30,000 per candidate. Thirteen more incumbents faced
17 only token opposition. Of 49 incumbents running, only four were
18 defeated. Ninety-two per cent of the incumbents successfully
19 retained their seats.

20 The result of the high cost to nonincumbents running to
21 become a member of the legislature and the small chance of
22 winning leads to a reduction in the number of seriously



1 contested races. This, in turn, has increased voter apathy. It
2 is a cycle that is undermining the entire foundation and the
3 process of a representative democracy. To help correct this
4 problem, this Act proposes an amendment to article III, section
5 4, of the Hawaii Constitution to limit members of the
6 legislature to a maximum of 24 years, consisting of a maximum of
7 12 years in the house of representatives and 12 years in the
8 senate. The legislature proposes to give the people of Hawaii
9 an opportunity to weigh the benefits and detriments of term
10 limits and, upon due consideration, choose whether or not to
11 apply them.

12 SECTION 2. The purpose of this Act is to propose an
13 amendment to article III, section 4, of the Hawaii Constitution,
14 to limit the terms of members of the legislature to a maximum of
15 12 years in the house of representatives and 12 years in the
16 senate.

17 SECTION 3. Article III, section 4, of the Hawaii
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
22 for election to a seat in the legislature, the member occupying



1 that seat shall be elected at a general election. If a
2 candidate nominated for a seat at a primary election is
3 unopposed for that seat at the general election, the candidate
4 shall be deemed elected at the primary election. The term of
5 office of a member of the house of representatives shall be two
6 years and the term of office of a member of the senate shall be
7 four years[-]; provided that no member of the legislature shall
8 serve for more than twelve years in the house of representatives
9 and twelve years in the senate, after the general election of
10 2010; provided further that a member may complete a term if the
11 member reaches the twelve-year limit in the house of
12 representatives or the senate before a current term has ended.

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



S.B. NO. 699

1 SECTION 4. The question to be printed on the ballot shall
2 be as follows:

3 "Shall members of the legislature be limited to serving a
4 maximum of twelve years in the house of representatives and
5 twelve years in the senate, starting with service beginning
6 after the general election of 2010?"

7 SECTION 5. Constitutional material to be repealed is
8 bracketed and stricken. New constitutional material is
9 underscored.

10 SECTION 6. This amendment shall take effect upon
11 compliance with article XVII, section 3, of the Hawaii
12 Constitution.

13

INTRODUCED BY: Michelle N. Sidani (BR)



Report Title:

Legislative Term Limits

Description:

Limits the terms of members of the Legislature to 12 years in the House of Representatives and 12 years in the Senate, beginning on the day of the general election of 2010.

