
HOUSE RESOLUTION

REQUESTING THE LEGISLATURE TO PROPOSE AN AMENDMENT TO ARTICLE III, SECTION 6, OF THE CONSTITUTION OF THE STATE OF HAWAII TO REQUIRE ANY CANDIDATE FOR STATE LEGISLATIVE OFFICE TO BE A RESIDENT OF THE DISTRICT THAT THE CANDIDATE WILL REPRESENT FOR AT LEAST ONE YEAR IMMEDIATELY PRECEDING THE APPLICABLE GENERAL OR SPECIAL ELECTION OR APPOINTMENT TO OFFICE.

1 WHEREAS, it is more likely that a candidate for elected
2 office will understand the issues in a community and empathize
3 with the people of the district being represented if the
4 candidate actually resides in the district; and

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6 WHEREAS, voters believe that elected officials are more
7 concerned about the residents of the district when the official
8 also resides in the district, in contrast to politicians who may
9 own a home in the district, but do not actually live there, or
10 have moved into the district strictly for the purpose of running
11 for office; and

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13 WHEREAS, the Hawaii Supreme Court has held that the role of
14 an elected official is to represent the views of the
15 constituents and that an elected official must be familiar with
16 the constituents and their needs; and

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18 WHEREAS, requiring that any candidate for a state
19 legislative office be a resident of the district that the
20 candidate seeks to represent for at least one year immediately
21 preceding the applicable general or special election or
22 appointment to office would ensure that candidates are familiar
23 with the issues in the district and that voters have a chance to
24 familiarize themselves with the candidate; and

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26 WHEREAS, a one-year residency requirement for candidates
27 for state legislative office merely delays, not denies, the
28 opportunity to run for office, thus placing a minimal burden on



1 potential candidates while promoting the integrity of the
2 election process and preventing opportunists from carpet-
3 bagging; and
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5 WHEREAS, it would validate the transparency and efficacy of
6 the election process if:
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- 8 (1) A candidate is required to submit three forms of proof
9 of residency in the district, such as utility bills or
10 proof of mail delivery to the candidate's residence;
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- 12 (2) The election official who receives a candidate's
13 nomination papers is required to make an initial
14 determination that the candidate has submitted proof
15 of residency in the district for at least one year
16 immediately preceding the applicable general or
17 special election or appointment;
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- 19 (3) A would-be candidate who is aggrieved by an election
20 official's determination and is in continuous
21 compliance with the one-year residency requirement has
22 the opportunity to petition the court for an expedited
23 review of the determination after service of a
24 certified copy of that determination; and
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- 26 (4) A review by the court is confined to the
27 administrative record, and the court, upon request by
28 any party, hears oral arguments and receives written
29 briefs without the opportunity for discovery, and the
30 court affirms the determination or, if it finds that
31 the determination is arbitrary and capricious,
32 reverses or modifies the determination; now,
33 therefore,
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35 BE IT RESOLVED by the House of Representatives of the
36 Twenty-Sixth Legislature of the State of Hawaii, Regular Session
37 of 2011, that the Legislature is requested to propose an
38 amendment to article III, section 6 of the Constitution of the
39 State of Hawaii to require any candidate for state legislative
40 office to be a resident of the district that the candidate seeks
41 to represent for at least one year immediately preceding the



1 applicable general or special election or appointment to office;
2 and
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4 BE IT FURTHER RESOLVED that the Legislature is requested to
5 include in the constitutional amendment the requirement that in
6 the year of the first general election following
7 reapportionment, but prior to the primary election, an incumbent
8 legislator may move to a new district without being disqualified
9 from completing the remainder of the incumbent legislator's
10 term; and
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12 BE IT FURTHER RESOLVED that the Legislature is requested to
13 require that the question to be printed on the voter ballot
14 proposing the amendment to the Constitution of the State of
15 Hawaii shall be as follows:
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17 "Shall the Constitution of the State of Hawaii be
18 amended to require a candidate for the state
19 legislature to be a resident of the district that the
20 candidate is to represent for at least one year
21 immediately preceding the general election, special
22 election, or appointment and to prove residency as
23 provided by law?"; and
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25 BE IT FURTHER RESOLVED that, in addition to the
26 constitutional amendment, the Legislature is requested to enact
27 a law that any person who is a candidate for an elected county
28 office that represents a specific county council district shall
29 be a resident of the county council district from which the
30 person seeks to be elected or appointed for at least one year
31 immediately preceding the general or special election or
32 appointment and to prove residency as provided by law; and
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34 BE IT FURTHER RESOLVED that certified copies of this
35 Concurrent Resolution be transmitted to the Governor, the
36 President of the Senate, and the Speaker of the House of
37 Representatives.
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OFFERED BY: J. T.
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