

JAN 21 2011

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 legislature finds that the decision of the
2 United States Supreme Court in *Buckley v. Valeo*, 424 U.S. 1
3 (1976), 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, twenty-two new members were elected to the house
9 of representatives (forty-three per cent) and eight new members
10 were elected to the senate (thirty-two per cent). As this
11 election was held under the 1973 reapportionment plan, some of
12 the turnover may be attributable to changes in district
13 boundaries. However, there can be no doubt that this was an
14 extraordinarily fruitful election for bringing new blood into
15 the process. Among the twenty-two new faces in the house of
16 representatives that year were a future governor and congressman



1 from the first congressional district. Eighteen years later,
2 four others were still members 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 fifty-one-member house of representatives in 1990. Seventeen
16 incumbents were elected, without opposition, by merely filing
17 their nomination papers, although they still spent an average of
18 almost \$30,000 per candidate. Thirteen more incumbents faced
19 only token opposition. Of forty-nine incumbents running, only
20 four were defeated. Ninety-two per cent of the incumbents
21 successfully retained their seats.



1 The high cost to nonincumbents running to become a member
2 of the legislature and the small chance of winning has lead to a
3 reduction in the number of seriously contested races. This, in
4 turn, has increased voter apathy. It is a cycle that is
5 undermining the entire foundation and process of a
6 representative democracy.

7 The purpose of this Act is to propose an amendment to
8 article III, section 4 of the Hawaii Constitution to limit the
9 total length of time during which a member of the legislature
10 may serve in the state house of representatives and the senate
11 to twelve consecutive or non-consecutive years per chamber, with
12 years counting toward the limit beginning on the day of the
13 general election of 2010.

14 It is not the intent of the legislature to unseat current
15 legislators or interfere with existing terms of office but
16 rather to allow the electorate of Hawaii to weigh the benefits
17 and detriments of term limits on a moving forward basis and,
18 upon due consideration, choose whether or not the Hawaii
19 constitution should be amended to apply them.

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

22 **"ELECTION OF MEMBERS; TERM**



1 **Section 4.** Each member of the legislature shall be elected
2 at an election. If more than one candidate has been nominated
3 for election to a seat in the legislature, the member occupying
4 that seat shall be elected at a general election. If a
5 candidate nominated for a seat at a primary election is
6 unopposed for that seat at the general election, the candidate
7 shall be deemed elected at the primary election. The term of
8 office of a member of the house of representatives shall be two
9 years and the term of office of a member of the senate shall be
10 four years[-]; provided that a member of the legislature shall
11 be limited to serving in the house of representatives and the
12 senate for twelve consecutive or non-consecutive years per
13 chamber, with years counting toward the twelve-year limit
14 beginning on the day of the general election of 2010; provided
15 further that a member of the legislature may complete a term if
16 the member reaches the twelve-year limit before that term has
17 ended.

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



1 of the general election immediately following the day the
2 member's term commences. For a member of the senate, the term
3 shall end on the day of the second general election immediately
4 following the day the member's term commences."

5 SECTION 3. The question to be printed on the ballot shall
6 be as follows:

7 "Shall members of the legislature be limited to serving in
8 the house of representatives and the senate for a maximum of
9 twelve consecutive or non-consecutive years per chamber,
10 provided that years counting toward the twelve-year limit
11 shall begin on the day of the general election of 2010?"

12 SECTION 4. Constitutional material to be repealed is
13 bracketed and stricken. New constitutional material is
14 underscored.

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

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INTRODUCED BY: Michelle Indani (br)



Report Title:

Constitutional Amendment; Legislative Term Limits

Description:

Proposes a constitutional amendment to limit members of the legislature to serving in the house of representatives and the senate to twelve consecutive or non-consecutive years per chamber, with years counting toward the limit beginning on the day of the general election of 2010.

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

