

JAN 19 2012

A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 4, OF THE HAWAII
STATE 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, twenty-two new members were elected to the house
8 of representatives (forty-three per cent) and eight new members
9 were elected to the senate (thirty-two per cent). As this
10 election was held under the 1973 reapportionment plan, some of
11 the turnover may be attributable to changes in district
12 boundaries. However, there can be no doubt that this was an
13 extraordinarily fruitful election which brought new blood into
14 the process.

15 In contrast, the 1990 elections saw the election of only
16 one new senator, and even this person had prior elective
17 experience. Eleven incumbent senators ran in 1990; all were



1 reelected. Of the ten incumbent candidates from the majority
2 party, five faced no opposition in the primary or general
3 election (but still spent between \$17,328 and \$41,632) and three
4 others faced no general election opposition.

5 Things were only a little better for challengers in the 51-
6 member house of representatives in 1990. Seventeen incumbents
7 were elected, without opposition, by merely filing their
8 nomination papers, although they still spent an average of
9 almost \$30,000 per candidate. Thirteen more incumbents faced
10 only token opposition. Of forty-nine incumbents running, only
11 four were defeated. Ninety-two per cent of the incumbents
12 successfully retained their seats.

13 The result of the high cost to nonincumbents running to
14 become a member of the legislature and the small chance of
15 winning leads to a reduction in the number of seriously
16 contested races. This, in turn, has increased voter apathy. It
17 is a cycle that is undermining the entire foundation and the
18 process of a representative democracy. To help correct this
19 problem, this Act proposes an amendment to article III, section
20 4, of the Hawaii State Constitution to limit members of the
21 legislature to serve a maximum of twelve consecutive years in
22 the house of representatives and twelve consecutive years in the



1 senate. The legislature proposes to give the people of Hawaii
2 an opportunity to weigh the benefits and detriments of term
3 limits and, upon due consideration, choose whether or not to
4 apply them.

5 The purpose of this Act is to propose an amendment to
6 article III, section 4, of the Constitution of the State of
7 Hawaii to limit the terms of members of the legislature to a
8 maximum of twelve consecutive years in the house of
9 representatives and twelve consecutive years in the senate.

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

12 **"ELECTION OF MEMBERS; TERM**

13 **Section 4.** Each member of the legislature shall be elected
14 at an election. If more than one candidate has been nominated
15 for election to a seat in the legislature, the member occupying
16 that seat shall be elected at a general election. If a
17 candidate nominated for a seat at a primary election is
18 unopposed for that seat at the general election, the candidate
19 shall be deemed elected at the primary election. The term of
20 office of a member of the house of representatives shall be two
21 years and the term of office of a member of the senate shall be
22 four years[-]; provided that for terms beginning on the general



1 election of 2012, no member of the legislature shall serve for
2 more than twelve consecutive years in the house of
3 representatives and twelve consecutive years in the senate;
4 provided further that a member may complete a term if the member
5 reaches the twelve-year limit in the house of representatives or
6 the senate before that term has ended. The term of a member of
7 the legislature shall begin on the day of the general election
8 at which elected or if elected at a primary election, on the day
9 of the general election immediately following the primary
10 election at which elected. For a member of the house of
11 representatives, the term shall end on the day of the general
12 election immediately following the day the member's term
13 commences. For a member of the senate, the term shall end on
14 the day of the second general election immediately following the
15 day the member's term commences."

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

18 "Shall members of the legislature be limited to serving a
19 maximum of twelve consecutive years in the house of
20 representatives and twelve consecutive years in the senate,
21 for terms beginning on the general election of 2012?"



S.B. NO. 2155

1 SECTION 4. Constitutional material to be repealed is
2 bracketed and stricken. New constitutional material is
3 underscored.

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

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INTRODUCED BY:

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S.B. NO. 2155

Report Title:

Legislative Term Limits; Constitutional Amendment

Description:

Proposes a constitutional amendment to limit the term of members of the legislature to a maximum of twelve consecutive years in the house of representatives and twelve consecutive years in the senate, for terms beginning on the day of the general election of 2012.

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