

STAND. COM. REP. NO.

2065

Honolulu, Hawaii

FEB 08 2012

RE: S.B. No. 2218
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 2218 entitled:

"A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION
OF THE STATE OF HAWAII RELATING TO RESIDENCY REQUIREMENTS FOR
MEMBERS OF THE LEGISLATURE,"

begs leave to report as follows:

The purpose and intent of this measure is to propose a
constitutional amendment to increase the residency requirements
for candidates for a seat in the state Senate or House of
Representatives by requiring the candidates to be residents of the
State for not less than five years and residents of the district
from which they seek to be elected for not less than twelve
consecutive months prior to the next succeeding general election.

Your Committee received testimony in support of this measure
from the Iron Workers Stabilization Fund. Testimony in opposition
to the five-year residency requirement was submitted by the League
of Women Voters of Hawaii. One private individual submitted
comments.

Your Committee finds that while the state constitution
requires that state Senate and House of Representatives candidates
be residents of the State for at least three years, candidates are
not required to be residents of the legislative districts they are
seeking to represent. Thus, it is possible for a candidate to
express an intention to move into a senatorial or representative
district prior to filing nomination papers without possessing



sufficient knowledge of the issues concerning the voters of the district the candidate seeks to represent.

Your Committee recognizes that a person may have more than one residence, but only one domicile. Generally, a domicile is a person's legal home where the person has physical presence with the intention to make it the person's true, fixed, and permanent home. Requiring candidates to be domiciled within the district they seek to represent provides greater assurance to voters that candidates listed on the ballot are knowledgeable about issues affecting not only the entire State, but also the district that the candidates seek to represent.

Your Committee has amended this measure by:

- (1) Deleting the requirement that a candidate be a resident of the State for five years, thereby retaining the minimum state residency requirement of three years;
- (2) Amending the legislative district residency requirement by requiring a candidate to be domiciled in, rather than reside in, the legislative district that the candidate seeks to represent; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2218, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2218, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,



CLAYTON HEE, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 2218	Committee Referral: JDL	Date: 1/27/12		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)	✓			
GABBARD, Mike		✓		
IHARA, Jr., Les		✓		
SLOM, Sam		✓		
TOTAL	2	3		
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes