

STAND. COM. REP. NO.

1299

Honolulu, Hawaii

APR 05 2013

RE: H.B. No. 269
H.D. 1
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
H.B. No. 269, H.D. 1, 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 an
amendment to article III, section 6, of the Hawaii State
Constitution by requiring candidates for the office of State
Senate or House of Representatives to be 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, League of Women Voters
of Hawaii, and one individual. Testimony in opposition to this
measure was submitted by the Libertarian Party of Hawaii. Your
Committee received comments on this measure from the Department of
the Attorney General and American Civil Liberties Union of Hawaii.

This measure proposes a constitutional amendment to require
candidates for the State Senate and State House of Representatives
to be residents of the district they intend to represent for not
less than twelve consecutive months prior to the next succeeding
general election.



Your Committee notes the comments raised in the written testimony submitted by the Department of the Attorney General that this measure does not appear to be unconstitutional on its face. The Department testified that it is unclear why a district resident requirement of one year should be imposed on a candidate and what legitimate state interest or purpose is served by this one year district residency requirement. Furthermore, the Department testified that if a one year district residency requirement should be required of a candidate for a state senate or representative seat, then a residency requirement exception should be afforded to a candidate following reapportionment.

Accordingly, your Committee has amended this measure by adopting the language suggested by the Department of the Attorney General that:

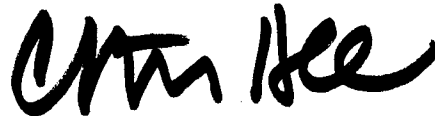
- (1) Requires candidates for the office of State Senate or House of Representatives to remain a qualified voter of the districts from which the candidates seek to be elected for not less than twelve consecutive months prior to the next succeeding general election;
- (2) Deletes the requirement for candidates for the office of State Senate or House of Representatives to be qualified voters of the districts from which the candidates seek to be elected prior to filing nomination papers and thereafter;
- (3) Exempts a qualified voter from the district residency requirement in the year of the first general election following reapportionment but requires the person to reside in a district for not less than one month prior to the deadline for filing nomination papers and thereafter to remain a qualified voter of the district from which the person seeks to be elected;
- (4) Amends the question to be printed on the ballot to reflect the amendments made under section 2; and
- (5) Makes 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 H.B.



No. 269, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 269, H.D. 1, 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-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 269 HD1	JDL	3/21/13		
<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 S.L. (VC)	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les		✓		
SLOM, Sam				✓
TOTAL	3	1		1
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