

JAN 23 2015

A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO THE HAWAII STATE CONSTITUTION TO AMEND
SENATE TERMS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The purpose of this Act is to propose
2 amendments to the Constitution of the State of Hawaii to modify
3 the staggering of senate terms and, as of 2030, repeal the
4 requirement that all senators be up for election in the general
5 election at which an apportionment plan becomes effective but
6 provide electors the option to recall senators who continue
7 representing the newly drawn districts.

8 SECTION 2. Article III, section 6, of the Constitution of
9 the State of Hawaii is amended to read as follows:

10 **"QUALIFICATIONS OF MEMBERS**

11 **Section 6.** No person shall be eligible to serve as a
12 member of the senate unless the person has been a resident of
13 the State for not less than three years, has attained the age of
14 majority and is, prior to filing nomination papers and
15 thereafter continues to be, a qualified voter of the senatorial
16 district from which the person seeks to be elected; except that



1 in the year of the first general election following
2 reapportionment[7] in which the incumbent senator's term
3 expires, but prior to the primary election, an incumbent senator
4 may move to a new district without being disqualified from
5 completing the remainder of the incumbent senator's term. No
6 person shall be eligible to serve as a member of the house of
7 representatives unless the person has been a resident of the
8 State for not less than three years, has attained the age of
9 majority and is, prior to filing nomination papers and
10 thereafter continues to be, a qualified voter of the
11 representative district from which the person seeks to be
12 elected; except that in the year of the first general election
13 following reapportionment, but prior to the primary election, an
14 incumbent representative may move to a new district without
15 being disqualified from completing the remainder of the
16 incumbent representative's term."

17 SECTION 3. Article IV, section 8, of the Constitution of
18 the State of Hawaii is amended to read as follows:

19 **"STAGGERED TERMS FOR THE SENATE**

20 **Section 8.** [~~The reapportionment commission shall, as part~~
21 ~~of the reapportionment plan, assign two year terms for twelve~~



1 ~~senate seats for the election immediately following the adoption~~
2 ~~of the reapportionment plan. The remaining seats shall be~~
3 ~~assigned four year terms. Insofar as practicable, the~~
4 ~~commission shall assign the two year terms to senate seats so~~
5 ~~that the resident population of each senate district shall have~~
6 ~~no more than two regular senate elections for a particular~~
7 ~~senate seat within the six year period beginning in the even-~~
8 ~~numbered year prior to the reapportionment year; provided that~~
9 ~~in the event of a multi member senate district, the senators~~
10 ~~elected with the highest number of votes in that district in the~~
11 ~~election immediately following the adoption of the~~
12 ~~reapportionment plan shall fill the senate seats in that~~
13 ~~district which were assigned the four year terms by the~~
14 ~~commission.] In the year 2022, if the total number of votes~~
15 ~~counted in the general election is an odd number, senators shall~~
16 ~~be elected to represent districts 1, 3, 5, 7, 9, 11, 13, 15, 17,~~
17 ~~19, 21, 23, and 25 for a four-year term, and senators for all~~
18 ~~other districts shall be elected to a two-year term. In the~~
19 ~~year 2022, if the total number of votes counted in the general~~
20 ~~election is an even number, senators shall be elected to~~
21 ~~represent districts 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, and~~



1 24 for a four-year term, and senators for all other districts
2 shall be elected to a two-year term. In the year 2024, and
3 every four years thereafter, senators shall be elected to
4 represent those districts up for election for a four-year term.
5 In the year 2026 and every four years thereafter, senators shall
6 be elected to represent those districts up for election for a
7 four-year term. Beginning in 2030, a senator whose term
8 continues beyond the legislative regular session following
9 reapportionment shall continue representing the assigned
10 district but shall be subject to recall, as provided by law, by
11 the electors of the district as drawn in the latest
12 reapportionment."

13 SECTION 4. Article IV, section 7, of the Constitution of
14 the State of Hawaii is amended to read as follows:

15 **"ELECTION OF SENATORS AFTER REAPPORTIONMENT**

16 **Section 7.** [~~Regardless~~] As to the 2022 general election,
17 regardless of whether or not a senator is serving a term that
18 would have extended past the general election at which an
19 apportionment plan becomes effective, the term of office of all
20 senators shall end at that general election. The staggered
21 terms of senators in each district shall be recomputed as



1 established by the next section in this article, and the number
2 of senators in a senatorial district under the reapportionment
3 plan of the commission. This section shall not apply to the
4 election of senators after the 2030 reapportionment or any
5 reapportionment thereafter."

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

8 "Shall the state constitution be amended to: modify the
9 procedure for determining which senators will serve two-
10 year terms following the 2020 reapportionment; repeal,
11 beginning in 2030, the requirement that the terms of office
12 of all senators end at the general election at which an
13 apportionment plan becomes effective; repeal, beginning in
14 2030, the establishment of two-year terms for certain
15 senators following reapportionment; and allow senators to
16 complete terms that continue beyond the legislative regular
17 session following reapportionment provided that such
18 senators be subject to recall by electors of their newly
19 drawn district?"



1 SECTION 6. Constitutional material to be repealed is
2 bracketed and stricken. New constitutional material is
3 underscored.

4 SECTION 7. 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. 816

Report Title:

Constitutional Amendment; Senate Staggering; Senate Terms;
Recall

Description:

Proposes an amendment to the Hawaii State Constitution to change the way senate terms are staggered, eliminate the requirement that all senate seats be up for election following reapportionment, and provide electors in a newly drawn district the option to recall a senator who continues representing the district after reapportionment.

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

