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## 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 and 2010 elections.

7           In 1974, twenty-two new members were elected to the house  
8 of representatives (43 per cent) and eight new members were  
9 elected to the senate (32 per cent). As this election was held  
10 under the 1973 reapportionment plan, some of the turnover may be  
11 attributable to changes in district boundaries. However, there  
12 can be no doubt that this was an extraordinarily fruitful  
13 election which brought new blood into the process.

14           In contrast, the 1990 elections saw the election of only  
15 one new senator, and even this person had prior elective  
16 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  
6 fifty-one-member house of representatives in 1990. Seventeen  
7 incumbents were elected, without opposition, by merely filing  
8 their 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. 92 per cent of the incumbents successfully  
12 retained their seats.

13 Recent statistics from the 2010 election show similar  
14 results. Of the fifteen open spots for a senate seat in 2010,  
15 all eleven incumbents that ran for re-election won. The average  
16 incumbent in the senate raised \$86,852 while the average  
17 challenger raised only \$10,588. All together, the winning  
18 candidates spent an average of \$78,823, while the losing senate  
19 candidates spent an average of only \$13,212.

20 Similarly, forty-four out of forty-six incumbents in the  
21 house of representatives retained their seats in the 2010



1 election. The incumbents raised an average of \$39,444 and the  
2 challengers raised an average of only \$10,268. All together,  
3 the winning candidates in the house of representatives spent an  
4 average of \$39,880 while the losing candidates spent an average  
5 of only \$10,165.

6 The result of the high cost to nonincumbents running to  
7 become a member of the legislature and the small chance of  
8 winning leads to a reduction in the number of seriously  
9 contested races. This, in turn, has increased voter apathy. It  
10 is a cycle that is undermining the entire foundation and the  
11 process of a representative democracy. To help correct this  
12 problem, this Act proposes an amendment to article III, section  
13 4, of the Hawaii State Constitution to limit members of the  
14 legislature to serve a maximum of twelve consecutive years in  
15 the house of representatives and twelve consecutive years in the  
16 senate. The legislature proposes to give the people of Hawaii  
17 an opportunity to weigh the benefits and detriments of term  
18 limits and, upon due consideration, choose whether or not to  
19 apply them.

20 The purpose of this Act is to propose an amendment to  
21 article III, section 4, of the Constitution of the State of



1 Hawaii to limit the terms of members of the legislature to a  
2 maximum of twelve consecutive years in the house of  
3 representatives and twelve consecutive years in the senate.

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

6 **"ELECTION OF MEMBERS; TERM**

7 **Section 4.** Each member of the legislature shall be elected  
8 at an election. If more than one candidate has been nominated  
9 for election to a seat in the legislature, the member occupying  
10 that seat shall be elected at a general election. If a  
11 candidate nominated for a seat at a primary election is  
12 unopposed for that seat at the general election, the candidate  
13 shall be deemed elected at the primary election. The term of  
14 office of a member of the house of representatives shall be two  
15 years and the term of office of a member of the senate shall be  
16 four years[-]; provided that for terms beginning on the general  
17 election of 2016, no member of the legislature shall serve for  
18 more than twelve consecutive years in the house of  
19 representatives and twelve consecutive years in the senate;  
20 provided further that a member may complete a term if the member  
21 reaches the twelve-year limit in the house of representatives or



1 the senate before that term has ended. The term of a member of  
2 the legislature shall begin on the day of the general election  
3 at which elected or if elected at a primary election, on the day  
4 of the general election immediately following the primary  
5 election at which elected. For a member of the house of  
6 representatives, the term shall end on the day of the general  
7 election immediately following the day the member's term  
8 commences. For a member of the senate, the term shall end on  
9 the day of the second general election immediately following the  
10 day the member's term commences."

11 SECTION 3. The question to be printed on the ballot shall  
12 be as follows:

13 "Shall members of the legislature be limited to serving a  
14 maximum of twelve consecutive years in the house of  
15 representatives and twelve consecutive years in the senate,  
16 for terms beginning on the general election of 2016?"

17 SECTION 4. Constitutional material to be repealed is  
18 bracketed and stricken. New constitutional material is  
19 underscored.



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

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INTRODUCED BY: Michelle Sidani (br)



**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 2016.

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

