
A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE IV, SECTIONS 7 AND 8, OF THE HAWAII CONSTITUTION
RELATING TO THE ELECTION AND STAGGERED TERMS OF SENATORS AFTER
REAPPORTIONMENT.

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

1 SECTION 1. During each reapportionment year, shifts in the population base have
2 created changes in the allocation of seats to each basic island unit. As a consequence, certain
3 legislators find themselves in newly created districts with other incumbents. This is to be
4 expected. When the United States Congress is reapportioned many states lose seats and other
5 states gain them. In states that lose seats, certain incumbents who wish to remain in Congress,
6 must run against other incumbents. This tradition has existed for two hundred years. Hawaii
7 has an additional stipulation, however. The staggering of senatorial seats is constitutionally
8 mandated. Therefore, it is incumbent upon the legislature to devise a fair and rational plan to
9 accept the realities of reapportionment while providing for the staggering of senatorial terms.

10 The purpose of this Act is to amend the Constitution to provide for a fair and rational
11 plan that will repeat every reapportionment year. All odd numbered districts would have two
12 consecutive four-year terms and a final two-year term cut short by the next reapportionment. All
13 even numbered districts would begin with a two-year term followed by two consecutive four-
14 year terms. Both odd and even districts would then be allowed a total of ten years.

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1 SECTION 2. Article IV, Sections 7 and 8, of the Constitution of the State of Hawaii are
2 amended to read as follows:

3 **“ELECTION OF SENATORS AFTER REAPPORTIONMENT**

4 **Section 7.** Regardless of whether or not a senator is serving a term which would have
5 extended past the general election at which an apportionment plan becomes effective, the term of
6 office of all senators shall end at that general election. The staggered terms of senators in each
7 district shall be recomputed as established by the next section in this article, and the number of
8 senators in a senatorial district under the reapportionment plan of the commission. Beginning
9 with the 2002 reapportionment, and every ten years or reapportionment thereafter, senators
10 elected from odd numbered districts shall receive four-year terms and those elected from even
11 numbered districts shall receive two-year terms. Following all future reapportioning, the
12 provisions of Section 8 shall apply. For the purposes of this section, districts shall be numbered
13 beginning with the southernmost point on each basic island unit as defined in Article IV, section
14 4, running clockwise around each basic island unit and progressing northward to each successive
15 basic island unit.”

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

18 **“STAGGERED TERMS FOR THE SENATE**

19 **Section 8.** [Any re-elected senator whose prior term was shortened to two years by
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1 the occurrence of the reapportionment year shall, after reapportionment, be assigned to serve a
2 four-year term. Any new senator and re-elected senator whose prior term was not shortened by
3 the occurrence of the reapportionment year shall, after reapportionment, be assigned to serve a
4 two-year term.

5 If the number of senators assigned to serve a two-year term under the previous paragraph
6 exceeds twelve, the number of such senators shall be reduced to twelve by random selection as
7 provided by law.] (a) Beginning in 2012 and every ten years or reapportionment thereafter, in
8 any senatorial district where the senate term was shortened to two years by the occurrence of the
9 reapportionment year shall, after reapportionment, that district's senator shall be assigned to
10 serve a four-year term. In any senatorial district where the senator's term was not shortened by
11 the occurrence of the reapportionment shall, after reapportionment, that district's senator shall be
12 assigned to serve a two-year term.

13 (b) In the event the reapportionment plan creates multi-member senatorial districts, the
14 determination of staggered terms shall be as follows:

15 (1) Each seat within a multi-member district shall be given a letter designation based on
16 the total number of votes received per winning candidate (i.e., 12A the highest, 12B,
17 12C,etc.).

18 (2) In all senate districts containing an even number of available seats, the two and four-

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1 year terms shall be equally divided between those candidates receiving the highest
2 number of votes and those receiving the lowest. Those with the most votes shall receive
3 four-year terms and the remainder two-year terms.

4 (3) In multi-member districts in which there are an odd number of senate seats, the two
5 and four-year terms shall be allotted as prescribed in (2) above. For the remaining
6 seat, as with single member senatorial districts, the length of term shall be determined
7 in numerical sequence in which the goal of thirteen four-year terms and twelve two-
8 year terms shall be preserved.

9 (4) In any subsequent elections prior to the next reapportionment, the sequence of 4-4-2,
10 2-4-4, terms of office shall be preserved.”

11 SECTION 4. The question to be printed on the ballot shall be as follows:

12 “Shall the current constitutional provisions on the election and staggered terms of
13 senators after reapportionment be amended to provide that:

14 (1) Beginning with the 2002 reapportionment, and every ten years or reapportionment
15 thereafter, senators elected from odd number districts shall receive four-year
16 terms and those elected from even numbered districts shall receive two-year
17 terms. Following all future reapportioning, the provisions of Article IV, section 8,
18 of the Constitution of the State of Hawaii shall apply?

19 (2) Beginning with the 2002 reapportionment the senatorial districts shall be

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1 numbered beginning with the southernmost point on each basic island unit as
2 defined in Article IV, section 4 of the Constitution of the State of Hawaii, running
3 clockwise around each basic island unit and progressing northward to each
4 successive basic island unit?

5 (3) In the event the reapportionment plan creates multi-member senatorial districts
6 shall the staggered terms be determined equally dividing the two and four-year
7 terms between those candidates receiving the highest number of votes and those
8 receiving the lowest, while preserving the sequence of 4-4-2, 2-4-4 terms of
9 office?

10 (4) Beginning in 2012 and every ten years or reapportionment thereafter, in any
11 senatorial district where the senate term was shortened to two years by
12 reapportionment, that district's senator shall be assigned to serve a four-year term;
13 and in any senatorial district where the senator's term was not shortened by
14 reapportionment, after reapportionment, that district's senator shall be assigned to
15 serve a two-year term?

16 SECTION 5. Constitutional material to be repealed is bracketed. New constitutional
17 material is underscored.

18 SECTION 6. This amendment shall take effect upon compliance with Article XVII,

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1 section 3, of the Constitution of the State of Hawaii.

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INTRODUCED BY: _____

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