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## A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION TO ESTABLISH  
LEGISLATIVE TERM LIMITS.

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

1           SECTION 1. **Findings.** The decision of the United States  
2 Supreme Court in Buckley v. Valeo, 424 U.S. 1 (1976), by  
3 disallowing certain campaign spending limits, substantially  
4 impaired the ability of nonincumbents to challenge elected  
5 officials. It is instructive to compare the election of 1974,  
6 the only state election with mandatory spending limits, with the  
7 1990 election.

8           In 1974, twenty-two new members were elected to the house  
9 of representatives (forty-three per cent) and eight new members  
10 were elected to the senate (thirty-two per cent). As this  
11 election was held under the 1973 reapportionment plan, some of  
12 the turnover may be attributable to changes in district  
13 boundaries. However, there can be no doubt that this was an  
14 extraordinarily fruitful election for bringing new blood into  
15 the process. Among the twenty-two new faces in the house of  
16 representatives that year were a former governor and the



1 congressman from the first congressional district. Eighteen  
2 years later, four others were still members of the legislature.

3 In contrast, the 1990 elections saw the election of only  
4 one new senator. Even the solitary member of the senate's  
5 freshman class had prior elective experience and replaced a  
6 senator who did not seek reelection. Eleven incumbent senators  
7 ran in 1990; all were reelected. Of the ten incumbent  
8 candidates from the majority party, five faced no opposition in  
9 the primary or general election (but still spent between \$17,328  
10 and \$41,632) and three others faced no general election  
11 opposition. This includes one race that was technically  
12 contested, but the opponent made no expenditure beyond the  
13 filing fee of \$25.

14 Things were only a little better for challengers in the  
15 fifty-one-member house of representatives in 1990. Seventeen  
16 incumbents were elected, without opposition, by merely filing  
17 their nomination papers, although they still spent an average of  
18 almost \$30,000 per candidate. Thirteen more incumbents faced  
19 only token opposition. Of forty-nine incumbents running, only  
20 four were defeated. Ninety-two per cent of the incumbents  
21 successfully retained their seats.



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

15           SECTION 2. The purpose of this Act is to propose an  
16 amendment to article III, section 4, of the Constitution of the  
17 State of Hawaii, to limit the terms of members of the  
18 legislature to a maximum of twenty-years in each the house of  
19 representatives and the senate.

20           SECTION 3. Article III, section 4, of the Constitution of  
21 the State of Hawaii is amended to read as follows:

22                           **"ELECTION OF MEMBERS; TERM**



1           **Section 4.** Each member of the legislature shall be elected  
2 at an election. If more than one candidate has been nominated  
3 for election to a seat in the legislature, the member occupying  
4 that seat shall be elected at a general election. If a  
5 candidate nominated for a seat at a primary election is  
6 unopposed for that seat at the general election, the candidate  
7 shall be deemed elected at the primary election. The term of  
8 office of a member of the house of representatives shall be two  
9 years and the term of office of a member of the senate shall be  
10 four years[-]; provided that, beginning with terms commencing on  
11 the day of the general election of 2008, no member of the  
12 legislature shall serve for more than twenty-years in the house  
13 of representatives and twenty-years in the senate; provided  
14 further that a member of the legislature may fulfill a term if  
15 the member reaches the twenty-year limit in the house of  
16 representatives or in the senate before a current term has  
17 ended.

18           The term of a member of the legislature shall begin on the  
19 day of the general election at which elected or if elected at a  
20 primary election, on the day of the general election immediately  
21 following the primary election at which elected. For a member  
22 of the house of representatives, the terms shall end on the day



1 of the general election immediately following the day the  
 2 member's term commences. For a member of the senate, the term  
 3 shall end on the day of the second general election immediately  
 4 following the day the member's term commences."

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

7 "Shall state senators and state representatives be limited  
 8 to serving a maximum of twenty-years in the house of  
 9 representatives and twenty-years in the senate beginning  
 10 with terms commencing on the day of the general election of  
 11 2008?"

12 SECTION 5. Constitutional material to be repealed is  
 13 bracketed and stricken. New constitutional material is  
 14 underscored.

15 SECTION 6. This amendment shall take effect upon  
 16 compliance with article XVII, section 3, of the Constitution of  
 17 the State of Hawaii.

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INTRODUCED BY: Gene K. Brown

JAN 23 2007



**Report Title:**

Legislative Term Limits

**Description:**

Limits the terms of members of the legislature to a maximum of 40 years, with a maximum of 20 years in each the house of representatives and the senate, beginning on the day of the general election of 2008.

