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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. The Legislature finds that the decision of the United States Supreme Court in Buckley v. Valeo, 424 U.S. 1 2 (1976), by disallowing certain campaign spending limits, 3 substantially impaired the ability of nonincumbents to challenge 4 elected officials. It is instructive to compare the election of 5 1974, the only state election with mandatory spending limits, 6 with the 1990 election. 7 8 In 1974, 22 new members were elected to the House of 9 Representatives (43 percent) and eight new members were elected to the Senate (32 percent). As this election was held under the 10 1973 reapportionment plan, some of the turnover may be 11 12 attributable to changes in district boundaries. However, there 13 can be no doubt that this was an extraordinarily fruitful

14 election for bringing new blood into the process. Among the 22 15 new faces in the House of Representatives that year were a 16 former governor and the congressman from the First Congressional

HB HMS 2009-1170

## H.B. NO. 186

District. Eighteen years later, four others were still members
 of the Legislature.

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

Things were only a little better for challengers in the 14 15 House of Representatives in 1990. Seventeen incumbents gained 16 office without opposition by merely filing their nomination 17 papers, although they still spent an average of almost \$30,000 per candidate. Thirteen more incumbents faced only token 18 19 opposition. Of 49 incumbents running, only four were defeated. Ninety-two percent of the incumbents successfully retained their 20 21 seats.

## HB HMS 2009-1170

Page 2

H.B. NO. 186

3

The high cost to nonincumbents running to become a member 1 2 of the Legislature and the small chance of winning has led to a reduction in the number of seriously contested races. This, in 3 turn, has increased voter apathy. It is a cycle that is 4 5 undermining the entire foundation and the process of a representative democracy. To help correct this problem, this 6 7 Act proposes an amendment to Article III, Section 4, of the 8 Hawaii Constitution, to limit members of the Legislature to a 9 maximum of 40 years consisting of a maximum of 20 years in the 10 House of Representatives and 20 years in the Senate. The 11 Legislature proposes to give the people of Hawaii an opportunity 12 to weigh the benefits and detriments of term limits and, upon 13 due consideration, choose whether or not to apply them. The purpose of this Act is to propose an amendment to 14 Article III, Section 4, of the Hawaii Constitution, to limit the 15 terms of members of the Legislature to a maximum of 20 years in 16 17 the House of Representatives and 20 years in the Senate. SECTION 2. Article III, section 4, of the Hawaii 18 Constitution is amended to read as follows: 19

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#### "ELECTION OF MEMBERS; TERM

21 Section 4. Each member of the legislature shall be elected
22 at an election. If more than one candidate has been nominated



Page 3

H.B. NO. 196

4

1	for election to a seat in the legislature, the member occupying
2	that seat shall be elected at a general election. If a
3	candidate nominated for a seat at a primary election is
4	unopposed for that seat at the general election, the candidate
5	shall be deemed elected at the primary election. The term of
6	office of a member of the house of representatives shall be two
7	years and the term of office of a member of the senate shall be
8	four years $[-; provided that beginning on the day of the general$
9	election of 2010, no member of the house of representatives
10	shall serve or have served more than twenty years as a
11	representative, and no member of the senate shall serve or have
12	served more than twenty years as a senator; provided further
13	that a member who reaches the twenty-year limit before the end
14	of the member's current term may remain in office for the entire
15	term.
16	The term of a member of the legislature shall begin on the
17	day of the general election at which elected or if elected at a
18	primary election, on the day of the general election immediately
19	following the primary election at which elected. For a member
20	of the house of representatives, the terms shall end on the day

21 of the general election immediately following the day the

22 member's term commences. For a member of the senate, the term

нв нмз 2009-1170

# H.B. NO. 186

1	shall end on the day of the second general election immediately
2	following the day the member's term commences."
3	SECTION 3. The question to be printed on the ballot shall
4	be as follows:
5	"Shall state Representatives be limited to serving a
6	maximum of twenty years in the House of
7	Representatives, and state Senators be limited to
8	serving a maximum of twenty years in the Senate,
9	beginning on the day of the general election of 2010?"
10	SECTION 4. Constitutional material to be repealed is
11	bracketed and stricken. New constitutional material is
12	underscored.
13	SECTION 5. This amendment shall take effect upon
14	compliance with article XVII, section 3, of the Hawaii
15	Constitution.

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INTRODUCED BY: Arm

JAN 2 2 2009

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Report Title: Legislative Term Limits

#### Description:

Limits the terms of members of the Legislature to a maximum of 40 years, consisting of a maximum of 20 years in the House of Representatives, and 20 years in the Senate, beginning on the day of the general election of 2010.

