
A BILL FOR AN ACT

RELATING TO LEGISLATIVE VACANCIES.

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

1 SECTION 1. Section 17-1, Hawaii Revised Statutes, is
2 amended to read as follows:
3 "**§17-1 United States senator.** When a vacancy occurs in
4 the office of United States senator, the vacancy shall be filled
5 for the unexpired term at the following state general
6 election[~~7~~]; provided that the vacancy occurs not later than
7 4:30 p.m. on the sixtieth day prior to the primary for
8 nominating candidates to be voted for at the election; otherwise
9 at the state general election next following. The chief
10 election officer shall issue a proclamation designating the
11 election for filling the vacancy. Pending the election, the
12 governor shall make a temporary appointment to fill the vacancy
13 [and the] by selecting a person from a list of three prospective
14 appointees submitted by the prior incumbent's political party.
15 The person [~~se~~] appointed shall serve until the election and
16 qualification of the person duly elected to fill the vacancy and
17 shall be at the time of appointment, and shall have been for at
18 least six months immediately prior to the appointment, a



1 ~~[registered]~~ member of the same political party as the ~~[senator~~
2 ~~causing the vacancy.]~~ prior incumbent. If the prior incumbent
3 was not a member of any political party, the governor shall
4 appoint a person who is not and has not been, for at least six
5 months immediately prior to the appointment, a registered member
6 of any political party. The person appointed shall be a
7 resident of the state. All candidates for the unexpired term
8 shall be nominated and elected in accordance with this title."

9 SECTION 2. Section 17-3, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§17-3 State senator.** (a) Whenever any vacancy in the
12 membership of the state senate occurs, the term of which ends at
13 the next succeeding general election~~[, the]~~:

14 (1) The governor shall make an appointment within sixty
15 calendar days following the first day of vacancy to
16 fill the vacancy for the unexpired term ~~[and the~~
17 ~~appointee shall be of]~~ by selecting a person from a
18 list of three prospective appointees submitted by the
19 [same] prior incumbent's political party ~~[or~~
20 ~~nonpartisanship as the person the appointee succeeds].~~
21 The prospective appointees shall be at the time of
22 appointment, and for at least six months immediately



1 prior to the appointment, members of the prior
2 incumbent's political party. The prospective
3 appointees shall be residents of the same senate
4 district as the prior incumbent. The political party
5 shall submit the list of prospective appointees to the
6 governor within thirty calendar days following the
7 first day of vacancy; and

8 (2) If the prior incumbent was not a member of any
9 political party, the governor, within sixty calendar
10 days following the first day of vacancy, shall appoint
11 a person who is a resident of the same senate district
12 as the prior incumbent who is not and has not been,
13 for at least six months immediately prior to the
14 appointment, a member of any political party.

15 (b) In the case of a vacancy, the term of which does not
16 end at the next succeeding general election:

17 (1) If it occurs not later than on the tenth day prior to
18 the close of filing for the next succeeding primary
19 election, the vacancy shall be filled for the
20 unexpired term at the next succeeding general
21 election. The chief election officer shall issue a
22 proclamation designating the election for filling the



1 vacancy. All candidates for the unexpired term shall
2 be nominated and elected in accordance with this
3 title. Pending the election, the governor shall make
4 a temporary appointment to fill the vacancy, and the
5 person so appointed shall serve until the election of
6 the person duly elected to fill the vacancy. The
7 ~~[appointee shall be of]~~ governor shall make the
8 appointment from a list of three prospective
9 appointees submitted by the [same] prior incumbent's
10 political party [or nonpartisanship as the person the
11 appointee succeeds]. The prospective appointees shall
12 be at the time of appointment, and shall have been for
13 at least six months immediately prior to the
14 appointment, members of the prior incumbent's
15 political party. The prospective appointees shall be
16 residents of the same senate district as the prior
17 incumbent. If the prior incumbent was not a member of
18 any political party, the governor shall appoint a
19 person who is a resident of the same senate district
20 as the prior incumbent and is not and has not been,
21 for at least six months immediately prior to the
22 appointment, a member of any political party;



1 (2) If it occurs later than on the tenth day prior to the
2 close of filing for the next succeeding primary
3 election but not later than on the sixtieth day prior
4 to the next succeeding primary election, or if there
5 are no qualified candidates for any party or
6 nonpartisan candidates qualified for the primary
7 election ballot, nominations for the unexpired term
8 may be filed not later than 4:30 p.m. on the fiftieth
9 day prior to the next succeeding primary election.
10 The chief election officer shall issue a proclamation
11 designating the election for filling the vacancy.
12 Pending the election the governor shall make a
13 temporary appointment to fill the vacancy and the
14 person so appointed shall serve until the election of
15 the person duly elected to fill the vacancy. The
16 ~~[appointee shall be of]~~ governor shall make the
17 appointment from a list of three prospective
18 appointees submitted by the [same] prior incumbent's
19 political party ~~[or nonpartisanship as the person the~~
20 ~~appointee succeeds]~~. The prospective appointees shall
21 be at the time of appointment, and shall have been for
22 at least six months immediately prior to the



1 appointment, members of the prior incumbent's
 2 political party. The prospective appointees shall be
 3 residents of the same senate district as the prior
 4 incumbent. If the prior incumbent was not a member of
 5 any political party, the governor shall appoint a
 6 person who is a resident of the same senate district
 7 as the prior incumbent and is not and has not been,
 8 for at least six months immediately prior to the
 9 appointment, a member of any political party;

10 (3) If it occurs after the sixtieth day prior to the next
 11 succeeding primary but not later than on the fiftieth
 12 day prior to the next succeeding general election, or
 13 if there are no qualified candidates for any party or
 14 nonpartisan candidates in the primary, the vacancy
 15 shall be filled for the unexpired term at the next
 16 succeeding general election. The chief election
 17 officer shall issue a proclamation designating the
 18 election for filling the vacancy. Party candidates
 19 for the unexpired senate term shall be nominated by
 20 the county committees of the parties not later than
 21 4:30 p.m. on the fortieth day prior to the general
 22 election; nonpartisan candidates may file nomination



1 papers for the unexpired term not later than 4:30 p.m.
2 on the fortieth day prior to the general election with
3 the nonpartisan candidate who is to be nominated to be
4 decided by lot, under the supervision of the chief
5 election officer. The candidates for the unexpired
6 term shall be elected in accordance with this title.
7 Pending the election, the governor shall make a
8 temporary appointment to fill the vacancy, and the
9 person so appointed shall serve until the election of
10 the person duly elected to fill ~~[such]~~ the vacancy.
11 The ~~[appointee shall be of]~~ governor shall make the
12 appointment from a list of three prospective
13 appointees submitted by the [same] prior incumbent's
14 political party [or nonpartisanship as the person the
15 appointee succeeds]. The prospective appointees shall
16 be at the time of appointment, and shall have been for
17 at least six months immediately prior to the
18 appointment, members of the prior incumbent's
19 political party. The prospective appointees shall be
20 residents of the same senate district as the prior
21 incumbent. If the prior incumbent was not a member of
22 any political party, the governor shall appoint a



1 person who is a resident of the same senate district
2 as the prior incumbent and is not and has not been,
3 for at least six months immediately prior to the
4 appointment, a member of any political party; and
5 (4) If it occurs after the fiftieth day prior to the next
6 succeeding general election or if no candidates are
7 nominated, the governor shall make an appointment to
8 fill the vacancy for the unexpired term [~~and the~~
9 ~~appointee shall be of~~] by selecting a person from a
10 list of three prospective appointees submitted by the
11 [same] prior incumbent's political party [~~or~~
12 ~~nonpartisanship as the person the appointee succeeds.]~~
13 The prospective appointees shall be, at the time of
14 appointment, and shall have been for at least six
15 months immediately prior to the appointment, members
16 of the prior incumbent's political party. The
17 prospective appointees shall be residents of the same
18 senate district as the prior incumbent. If the prior
19 incumbent was not a member of any political party, the
20 governor shall appoint a person who is a resident of
21 the same senate district as the prior incumbent and is
22 not and has not been, for at least six months



1 immediately prior to the appointment, a member of any
2 political party"

3 SECTION 4. Section 17-4, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§17-4 State representatives.** (a) Whenever any vacancy
6 in the membership of the state house of representatives occurs,
7 the governor shall make an appointment within sixty calendar
8 days following the first day of vacancy to fill the vacancy for
9 the unexpired term [~~and the appointee shall be of~~] by selecting
10 a person from a list of three prospective appointees submitted
11 by the [same] prior incumbent's political party [~~or~~
12 nonpartisanship as the person the appointee succeeds.] The
13 prospective appointees shall be at the time of appointment, and
14 shall have been for at least six months immediately prior to the
15 appointment, members of the prior incumbent's political party.
16 The prospective appointees shall be residents of the same state
17 representative district as the prior incumbent. The political
18 party shall submit the list of prospective appointees to the
19 governor within thirty calendar days following the first day of
20 vacancy.

21 (b) If the prior incumbent was not a member of any
22 political party, the governor, within sixty calendar days



1 following the first day of vacancy shall appoint a person who is
2 a resident of the same state representative district as the
3 prior incumbent and is not and has not been, for at least six
4 months immediately prior to the appointment, a member of any
5 political party."

6 SECTION 5. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 6. This Act shall take effect upon approval.



Report Title:

Legislative Vacancies; Appointments

Description:

Requires the Governor, in filling vacancies in Hawaii's House of Representatives, Senate, and United States Senate seats, to select from a list of three prospective appointees nominated by the political party of the prior incumbent, who are residents of the prior incumbent's electoral district, and who have been members of same political party as the prior incumbent for at least six months prior to the appointment. Effective on approval. (HB304 HD1)

