

JAN 23 2009

## A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE V, SECTION 6, OF THE HAWAII  
CONSTITUTION, TO PROVIDE FOR THE ELECTION OF THE ATTORNEY  
GENERAL.

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

1       SECTION 1. The purpose of this Act is to propose an  
2 amendment to article V, section 6, of the Constitution of the  
3 State of Hawaii to provide that the attorney general of the  
4 State of Hawaii be elected from among nonpartisan candidates at  
5 a general election, rather than appointed by the governor.

6       SECTION 2. Article V, section 6, of the Constitution of  
7 the State of Hawaii is amended to read as follows:

8                   **"EXECUTIVE AND ADMINISTRATIVE OFFICES**

9                               **AND DEPARTMENTS**

10       **Section 6.** All executive and administrative offices,  
11 departments and instrumentalities of the state government and  
12 their respective powers and duties shall be allocated by law  
13 among and within not more than twenty principal departments in  
14 such a manner as to group the same according to common purposes  
15 and related functions. Temporary commissions or agencies for



1 special purposes may be established by law and need not be  
2 allocated within a principal department.

3 Each principal department shall be under the supervision of  
4 the governor and, unless otherwise provided in this constitution  
5 or by law, shall be headed by a single executive. [~~Such~~] The  
6 single executive shall be nominated and, by and with the advice  
7 and consent of the senate, appointed by the governor[~~—That~~  
8 ~~person~~], except as otherwise provided for in this section.

9 Appointed executives shall hold office for a term to expire at  
10 the end of the term for which the governor was elected, unless  
11 sooner removed by the governor[~~; except that the removal of the~~  
12 ~~chief legal officer of the State shall be subject to the advice~~  
13 ~~and consent of the senate~~].

14 The attorney general, the chief legal officer of the State,  
15 shall be elected by the qualified voters of the State at a  
16 general election to a term of four years. Candidates for  
17 attorney general shall be nonpartisan. The person receiving the  
18 highest number of votes shall be the attorney general. In the  
19 event of a tie, the selection of the attorney general shall be  
20 as provided by law.

21 Except as otherwise provided in this constitution, whenever  
22 a board, commission or other body shall be the head of a



1 principal department of the state government, the members  
2 thereof shall be nominated and, by and with the advice and  
3 consent of the senate, appointed by the governor. The term of  
4 office and removal of such members shall be as provided by law.  
5 [~~Such~~] The board, commission or other body may appoint a  
6 principal executive officer who, when authorized by law, may be  
7 an ex officio, voting member thereof, and who may be removed by  
8 a majority vote of the members appointed by the governor.

9 The governor shall nominate and, by and with the advice and  
10 consent of the senate, appoint all officers for whose election  
11 or appointment provision is not otherwise provided for by this  
12 constitution or by law. If the manner [~~of~~] of removal of an  
13 officer is not prescribed in this constitution, removal shall be  
14 as provided by law.

15 When the senate is not in session and a vacancy occurs in  
16 any office, appointment to which requires the confirmation of  
17 the senate, the governor may fill the office by granting a  
18 commission which shall expire, unless [~~such~~] the appointment is  
19 confirmed, at the end of the next session of the senate. The  
20 person so appointed shall not be eligible for another interim  
21 appointment to [~~such~~] the office if the appointment failed to be  
22 confirmed by the senate.



1       No person who has been nominated for appointment to any  
2 office and whose appointment has not received the consent of the  
3 senate shall be eligible to an interim appointment thereafter to  
4 ~~[such]~~ the office.

5       Every officer appointed under ~~[the provisions of]~~ this  
6 section shall be a citizen of the United States and shall have  
7 been a resident of this State for at least one year immediately  
8 preceding that person's appointment, except that this residency  
9 requirement shall not apply to the president of the University  
10 of Hawaii."

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

13       "Shall the attorney general of the State of Hawaii be  
14 elected from among nonpartisan candidates at a general  
15 election for a term of four years, instead of being  
16 appointed by the governor?"

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

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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:

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**Report Title:**

Elected Attorney General; Constitutional Amendment

**Description:**

Proposes amendment to article V, section 6, of the state constitution to provide that the attorney general be elected as a nonpartisan elected official rather than appointed by the governor.

