

JAN 15 2014

A BILL FOR AN ACT

RELATING TO MEMBERS OF CONGRESS.

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

1 SECTION 1. The legislature finds that the United States
2 Congress operates on a seniority system of granting privileges
3 to its members (senators and representatives) who have served
4 the longest. Those privileges range from the selection of
5 members' offices to committee assignments. In addition, members
6 with a longer term of service on a committee assume senior
7 status and wield more power in the committee. Seniority is also
8 often considered in awarding committee chair positions.

9 The legislature further finds that it is in the best
10 interest of the State for Hawaii's congressional delegation to
11 accumulate seniority in office as quickly as possible to ensure
12 that the delegation can successfully represent Hawaii's
13 citizens. One possibility of assisting Hawaii's delegation in
14 rapidly building seniority would be to automatically appoint
15 newly-elected members of Congress to office immediately if the
16 incumbent vacates the office after the general election but
17 prior to the end of the incumbent's term, which is January 3 as
18 established under Section 1 of the Twentieth Amendment to the



1 United States Constitution. Under those circumstances, an
2 automatic procedure would be in place to ensure that Hawaii's
3 newly-elected congressional members will assume office earlier
4 than newly-elected members from other states who must wait for
5 the incumbent's term to expire.

6 The purpose of this Act is to establish an automatic
7 procedure that allows Hawaii's newly-elected members of
8 Congress, under certain circumstances, to begin their terms of
9 office with greater seniority that maximizes their ability to
10 represent this State, by providing that when a candidate other
11 than the incumbent is elected to Congress, and the incumbent
12 vacates the office prior to the expiration of the incumbent's
13 term, the governor must appoint the member-elect to immediately
14 fill the vacancy.

15 SECTION 2. Section 17-1, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "§17-1 United States senator. [~~When~~] (a) Except as
18 otherwise provided in subsection (b), when a vacancy occurs in
19 the office of United States senator, the vacancy shall be filled
20 for the unexpired term at the following state general election;
21 provided that the vacancy occurs not later than 4:30 p.m. on the
22 sixtieth day prior to the primary for nominating candidates to



1 be voted for at the election; otherwise at the state general
2 election next following. The chief election officer shall issue
3 a proclamation designating the election for filling the vacancy.
4 Pending the election, the governor shall make a temporary
5 appointment to fill the vacancy by selecting a person from a
6 list of three prospective appointees submitted by the same
7 political party as the prior incumbent. The appointee shall
8 serve until the election and qualification of the person duly
9 elected to fill the vacancy and shall be, at the time of
10 appointment, and shall have been, for at least six months
11 immediately prior to the appointment, a member of the same
12 political party as the prior incumbent. The appointee shall be
13 a resident of the State. If the prior incumbent was not a
14 member of any political party, the governor shall appoint a
15 person who is not and has not been, for at least six months
16 immediately prior to the appointment, a member of any political
17 party. All candidates for the unexpired term shall be nominated
18 and elected in accordance with this title.

19 (b) Notwithstanding any provision of subsection (a) to the
20 contrary, when:



1 (1) A candidate other than the incumbent is duly elected
2 to the office of United States senator at a general
3 election; and

4 (2) The incumbent vacates the office at any time following
5 the general election but prior to the expiration of
6 the incumbent's term of office;

7 the governor, no later than the next business day after
8 receiving official notice of the vacancy, shall appoint the
9 person duly elected to succeed the incumbent to immediately fill
10 the vacancy."

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

13 **"§17-2 United States representative.** [~~When~~] (a) Except
14 as otherwise provided in subsection (b), when a vacancy occurs
15 in the representation of this State in the United States House
16 of Representatives, the chief election officer shall issue a
17 proclamation for an election to fill the vacancy. The
18 proclamation shall be issued not later than on the sixtieth day
19 prior to the election to fill the vacancy and shall contain the
20 date, time, and places where the special election is to be held,
21 the time within which nomination papers shall be filed, the time
22 for transmitting to county clerks the notice designating the



1 offices for which candidates are to be elected, the time for
2 transmitting to county clerks lists of candidates to be voted
3 for at the special election and such other matter as provided
4 for in section 11-91 and which are not inconsistent with this
5 section. The special election shall be conducted and the
6 results ascertained so far as practicable, in accordance with
7 this title.

8 (b) Notwithstanding any provision of subsection (a) to the
9 contrary, when:

10 (1) A candidate other than the incumbent is duly elected
11 to the office of United States representative at a
12 general election; and

13 (2) The incumbent vacates the office at any time following
14 the general election but prior to the expiration of
15 the incumbent's term of office;

16 the governor, no later than the next business day after
17 receiving official notice of the vacancy, shall appoint the
18 person duly elected to succeed the incumbent to immediately fill
19 the vacancy."

20 SECTION 4. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 5. This Act shall take effect upon its approval.

2

INTRODUCED BY:

Chris Hee



S.B. NO. 2126

Report Title:

Congress; Members-elect; Vacancies

Description:

Provides that when a candidate other than the incumbent is elected to Congress, and the incumbent vacates the office prior to the expiration of the incumbent's term, the Governor must appoint the member-elect to immediately fill the vacancy.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

