

JAN 19 2018

A BILL FOR AN ACT

RELATING TO VACANCIES.

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

SECTION 1. Section 17-3, Hawaii Revised Statutes, is amended to read as follows:

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

(1) The governor shall make an appointment within sixty calendar days following the first day of vacancy to fill the vacancy for the unexpired term by selecting a person from a list of three prospective appointees submitted by the same political party as the prior incumbent. The appointee shall be at the time of appointment, and for at least six months immediately prior to the appointment, a member of the political party. The appointee shall, at the time of appointment, be a resident of the same senate district as the prior incumbent. The political party shall submit the list of prospective appointees to the



1 governor within thirty calendar days following the
2 first day of vacancy; and

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

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

13 (1) If it occurs not later than on the tenth day prior to
14 the close of filing for the next succeeding primary
15 election, as specified in section 12-6, the vacancy
16 shall be filled for the unexpired term at the next
17 succeeding general election. The chief election
18 officer shall issue a proclamation designating the
19 election for filling the vacancy. Notwithstanding any
20 law to the contrary, all candidates for the unexpired
21 term shall file nomination papers not later than the



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



1 at least six months immediately prior to the
2 appointment, a member of any political party;

- 3 (2) If it occurs later than on the tenth day prior to the
4 close of filing for the next succeeding primary
5 election but not later than ~~[on the sixtieth day prior~~
6 ~~to]~~ the close of filing for the next succeeding
7 primary election, or if there are no qualified
8 candidates for any party or nonpartisan candidates
9 qualified for the primary election ballot,
10 notwithstanding any law to the contrary, nominations
11 for the unexpired term may be filed not later than
12 4:30 p.m. on the ~~[fiftieth day prior to the next~~
13 ~~succeeding primary election.]~~ tenth day after the
14 vacancy occurred, but if the day is a Saturday,
15 Sunday, or holiday, then at 4:30 p.m. on the first
16 working day immediately thereafter. The chief
17 election officer shall issue a proclamation
18 designating the election for filling the vacancy.
19 Pending the election the governor shall make a
20 temporary appointment to fill the vacancy and the
21 person appointed shall serve until the election of the



1 person duly elected to fill the vacancy. The governor
2 shall make the appointment from a list of three
3 prospective appointees submitted by the same political
4 party as the prior incumbent. The appointee shall be,
5 at the time of the appointment, and shall have been,
6 for at least six months immediately prior to the
7 appointment, a member of the political party. The
8 appointee shall, at the time of appointment, be a
9 resident of the same senate district as the prior
10 incumbent. If the prior incumbent was not a member of
11 any political party, the governor shall appoint a
12 person who is at the time of appointment a resident of
13 the same senate district as the prior incumbent and is
14 not and has not been, for at least six months
15 immediately prior to the appointment, a member of any
16 political party;

- 17 (3) If it occurs after the [~~sixtieth day prior to~~] date
18 specified in section 12-6 for the close of filing
19 nomination papers for the next succeeding primary but
20 not later than on the [~~fiftieth~~] ninety-fifth day
21 prior to the next succeeding general election, or if



1 there are no qualified candidates for any party or
2 nonpartisan candidates in the primary, the vacancy
3 shall be filled for the unexpired term at the next
4 succeeding general election. The chief election
5 officer shall issue a proclamation designating the
6 election for filling the vacancy. Party candidates
7 for the unexpired senate term shall be nominated by
8 the county committees of the parties and the county
9 committees of the parties shall notify the chief
10 election officer not later than 4:30 p.m. on the
11 [fortieth] seventy-fifth day prior to the general
12 election; provided that each nominated candidate fills
13 out an application for nomination papers and signs the
14 proper certification on the nomination paper and takes
15 either an oath or affirmation as provided by law;
16 nonpartisan candidates may file nomination papers for
17 the unexpired term not later than 4:30 p.m. on the
18 [fortieth] seventy-fifth day prior to the general
19 election with the nonpartisan candidate who is to be
20 nominated to be decided by lot, under the supervision
21 of the chief election officer. The candidates for the



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



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

19 SECTION 2. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



1 SECTION 3. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 4. This Act shall take effect upon its approval.
5

INTRODUCED BY: _____


By Request



S.B. NO. 2145

Report Title:

Office of Elections Package; State Senate; Vacancy

Description:

Amends the deadlines for filing nomination papers, nominations, and notification to the chief election officer with respect to a vacancy in the state senate.

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

