

JAN 20 2017

A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE V, SECTION 6, OF THE
CONSTITUTION OF THE STATE OF HAWAII.

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

1 SECTION 1. The legislature finds that, under the current
2 law, the attorney general of Hawaii is nominated and, by and
3 with the advice and consent of the senate, appointed by the
4 governor under article V, section 6, of the Constitution of the
5 State of Hawaii. The purpose of this Act is to propose an
6 amendment to article V, section 6, of the Constitution of the
7 State of Hawaii to provide that the attorney general be elected
8 to office from among nonpartisan candidates in a general
9 election.

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

12 **"EXECUTIVE AND ADMINISTRATIVE OFFICES**

13 **AND DEPARTMENTS**

14 **Section 6.** All executive and administrative offices,
15 departments and instrumentalities of the state government and
16 their respective powers and duties shall be allocated by law



1 among and within not more than twenty principal departments in
2 such a manner as to group the same according to common purposes
3 and related functions. Temporary commissions or agencies for
4 special purposes may be established by law and need not be
5 allocated within a principal department.

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

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

17 The attorney general, the chief legal officer of the State,
18 shall be elected to a term of four years by the qualified voters
19 of the State at a special nonpartisan election held every four
20 years in conjunction with a general election. The person
21 receiving the highest number of votes shall be the attorney



1 general. In the event of a tie, the selection of the attorney
2 general shall be as provided by law.

3 Except as otherwise provided in this constitution, whenever
4 a board, commission or other body shall be the head of a
5 principal department of the state government, the members
6 thereof shall be nominated and, by and with the advice and
7 consent of the senate, appointed by the governor. The term of
8 office and removal of such members shall be as provided by law.
9 Such board, commission or other body may appoint a principal
10 executive officer who, when authorized by law, may be an ex
11 officio, voting member thereof, and who may be removed by a
12 majority vote of the members appointed by the governor.

13 The governor shall nominate and, by and with the advice and
14 consent of the senate, appoint all officers for whose election
15 or appointment provision is not otherwise provided for by this
16 constitution or by law. If the manner of removal of an officer
17 is not prescribed in this constitution, removal shall be as
18 provided by law.

19 When the senate is not in session and a vacancy occurs in
20 any office, appointment to which requires the confirmation of
21 the senate, the governor may fill the office by granting a



1 commission which shall expire, unless such appointment is
2 confirmed, at the end of the next session of the senate. The
3 person so appointed shall not be eligible for another interim
4 appointment to such office if the appointment failed to be
5 confirmed by the senate.

6 No person who has been nominated for appointment to any
7 office and whose appointment has not received the consent of the
8 senate shall be eligible to an interim appointment thereafter to
9 such office.

10 Every officer appointed [~~under the provisions of~~] or
11 elected pursuant to this section shall be a citizen of the
12 United States and shall have been a resident of this State for
13 at least one year immediately preceding that person's
14 appointment [~~7~~] or election, except that this residency
15 requirement shall not apply to the president of the University
16 of Hawaii."

17 SECTION 3. The question to be printed on the ballot shall
18 be as follows:

19 "Shall the attorney general of the State of Hawaii be
20 elected for a term of four years from among nonpartisan



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1 candidates at a special election held in conjunction with a
 2 general election every four years?"

3 SECTION 4. Constitutional material to be repealed is
 4 bracketed and stricken. New constitutional material is
 5 underscored.

6 SECTION 5. This amendment shall take effect upon
 7 compliance with article XVII, section 3, of the Constitution of
 8 the State of Hawaii.

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INTRODUCED BY:

~~SEN. D.C. WITH AGONY~~

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S.B. NO. 248

Report Title:

State Constitution; Amendment; Elected Attorney General

Description:

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

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

