
A BILL FOR AN ACT

RELATING TO VACANCIES.

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

1 SECTION 1. Section 17-1, Hawaii Revised Statutes, is
2 amended by amending its title and subsection (a) to read as
3 follows:

4 "~~§17-1 [United States senator.]~~ Congressional and
5 legislative offices. (a) Except as provided in subsection (b),
6 when a vacancy occurs in the [~~office~~]:

7 (1) Office of United States senator[~~7~~];

8 (2) Representation of this State in the United States
9 House of Representatives;

10 (3) Membership of the state senate; or

11 (4) Membership of the state house of representatives,

12 ~~the [vacancy shall be filled for the unexpired term at the~~
13 ~~following state general election; provided that the vacancy~~
14 ~~occurs not later than 4:30 p.m. on the twenty-first day prior to~~
15 ~~the date specified in section 12-6 for the close of filing~~
16 ~~nomination papers for regularly scheduled elections; otherwise~~
17 ~~at the state general election next following. The] chief~~



1 election officer shall issue a proclamation [~~designating the~~
2 for an election [~~for filling~~] to fill the vacancy. [~~All~~
3 ~~candidates for the unexpired term shall file nomination papers~~
4 ~~not later than the date and time specified in section 12-6 and~~
5 ~~shall be nominated and elected in accordance with this title.~~
6 ~~Pending the election, the governor shall make a temporary~~
7 ~~appointment to fill the vacancy by selecting a person from a~~
8 ~~list of three prospective appointees submitted by the same~~
9 ~~political party as the prior incumbent. The appointee shall~~
10 ~~serve until the election and qualification of the person duly~~
11 ~~elected to fill the vacancy and shall be, at the time of~~
12 ~~appointment, and shall have been, for at least six months~~
13 ~~immediately prior to the appointment, a member of the same~~
14 ~~political party as the prior incumbent. The appointee shall be~~
15 ~~a resident of the State. If the prior incumbent was not a~~
16 ~~member of any political party, the governor shall appoint a~~
17 ~~person who is not and has not been, for at least six months~~
18 ~~immediately prior to the appointment, a member of any political~~
19 ~~party.] The proclamation shall be issued no later than on the
20 sixtieth day before the election to fill the vacancy and shall
21 contain the date, time, and places where the special election is~~



1 to be held, the time within which nomination papers shall be
2 filed, the time for transmitting to county clerks the notice
3 designating the offices for which candidates are to be elected,
4 the time for transmitting to county clerks lists of candidates
5 to be voted for at the special election, and any other matters
6 as provided for in section 11-91 that are not inconsistent with
7 this section. The special election shall be conducted and the
8 results ascertained so far as practicable, in accordance with
9 this title."

10 SECTION 2. Section 17-2, Hawaii Revised Statutes, is
11 repealed.

12 [~~"§17-2 United States representative. When a vacancy~~
13 ~~occurs in the representation of this State in the United States~~
14 ~~House of Representatives, the chief election officer shall issue~~
15 ~~a proclamation for an election to fill the vacancy. The~~
16 ~~proclamation shall be issued not later than on the sixtieth day~~
17 ~~prior to the election to fill the vacancy and shall contain the~~
18 ~~date, time, and places where the special election is to be held,~~
19 ~~the time within which nomination papers shall be filed, the time~~
20 ~~for transmitting to county clerks the notice designating the~~
21 ~~offices for which candidates are to be elected, the time for~~



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

7 SECTION 3. Section 17-3, Hawaii Revised Statutes, is
8 repealed.

9 [~~§17-3 State senator.~~ (a) ~~Whenever any vacancy in the~~
10 ~~membership of the state senate occurs, the term of which ends at~~
11 ~~the next succeeding general election:~~

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



1 ~~as the prior incumbent. The political party shall~~
2 ~~submit the list of prospective appointees to the~~
3 ~~governor within thirty calendar days following the~~
4 ~~first day of vacancy; and~~

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

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

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



1 ~~be nominated and elected in accordance with this~~
2 ~~title. Pending the election, the governor shall make~~
3 ~~a temporary appointment to fill the vacancy, and the~~
4 ~~person so 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 ~~(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 appointed shall serve until the election of the~~
15 ~~person duly elected to fill the vacancy. The governor~~
16 ~~shall make the appointment from a list of three~~
17 ~~prospective appointees submitted by the same political~~
18 ~~party as the prior incumbent. The appointee shall be,~~
19 ~~at the time of the appointment, and shall have been,~~
20 ~~for at least six months immediately prior to the~~
21 ~~appointment, a member of the political party. The~~



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



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



1 ~~person who is at the time of appointment a resident of~~
2 ~~the same senate district as the prior incumbent and is~~
3 ~~not and has not been, for at least six months~~
4 ~~immediately prior to the appointment, a member of any~~
5 ~~political party;~~

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

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 by selecting a person from a list of three~~
10 ~~prospective appointees submitted by the same political party as~~
11 ~~the prior incumbent. The appointee shall be, at the time of~~
12 ~~appointment, and shall have been, for at least six months~~
13 ~~immediately prior to the appointment, a member of the political~~
14 ~~party. The appointee shall, at the time of appointment, be a~~
15 ~~resident of the same state representative district as the prior~~
16 ~~incumbent. The political party shall submit the list of~~
17 ~~prospective appointees to the governor within thirty calendar~~
18 ~~days following the first day of vacancy.~~

19 ~~(b) If the prior incumbent was not a member of any~~
20 ~~political party, the governor, within sixty calendar days~~
21 ~~following the first day of vacancy, shall appoint a person who~~



1 ~~is at the time of appointment a resident of the same state~~
2 ~~representative district as the prior incumbent and is not and~~
3 ~~has not been, for at least six months immediately prior to the~~
4 ~~appointment, a member of any political party."]~~

5 SECTION 5. This Act does not affect rights and duties that
6 matured, penalties that were incurred, and proceedings that were
7 begun before its effective date.

8 SECTION 6. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 7. This Act shall take effect upon its approval.



S.B. NO. 421
S.D. 1
H.D. 1

Report Title:

Elections; Vacancies; Senators; Representatives

Description:

Requires vacancies in the offices of United States Senator, United States Representative, State Senator, and State Representative to be filled by special election. (HD1)

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

