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# A BILL FOR AN ACT

RELATING TO LEGISLATIVE VACANCIES.

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

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

3           "(a) Whenever any vacancy in the membership of the state  
4 senate occurs, the term of which ends at the next succeeding  
5 general election:

6           (1) The governor shall make an appointment within sixty  
7 calendar days following the first day of vacancy to  
8 fill the vacancy for the unexpired term by selecting a  
9 person from a list of three prospective appointees  
10 submitted by the same political party as the prior  
11 incumbent. The appointee shall be at the time of  
12 appointment, and for at least six months immediately  
13 [~~prior to~~] before the appointment, a member of the  
14 political party. The appointee shall, at the time of  
15 appointment, be a resident of the same senate district  
16 as the prior incumbent. The political party shall  
17 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[7] to  
6 fill the vacancy for the unexpired term, appoint a  
7 person who is at the time of appointment a resident of  
8 the same senate district as the prior incumbent and  
9 who is not, and has not been for at least six months  
10 [~~prior to~~] before the appointment, a member of any  
11 political party[7];  
12 provided that if the vacancy occurs due to the death or  
13 permanent incapacitation of the prior incumbent before a primary  
14 election, but after the close of filing for that election, and  
15 the prior incumbent was the only person whose name appeared on  
16 any ballot for that seat for that election, the governor's  
17 appointment shall be valid for both the unexpired term and the  
18 next succeeding term."

19 SECTION 2. Section 17-4, Hawaii Revised Statutes, is  
20 amended to read as follows:



1           "~~§~~17-4 **State representatives.** [~~a~~] Whenever any vacancy  
2 in the membership of the state house of representatives occurs[~~r~~  
3 ~~the~~]:

4           (1) The governor shall make an appointment within sixty  
5 calendar days following the first day of vacancy to  
6 fill the vacancy for the unexpired term by selecting a  
7 person from a list of three prospective appointees  
8 submitted by the same political party as the prior  
9 incumbent. The appointee shall be, at the time of  
10 appointment, and shall have been, for at least six  
11 months immediately [~~prior to~~] before the appointment,  
12 a member of the political party. The appointee shall,  
13 at the time of appointment, be a resident of the same  
14 state representative district as the prior incumbent.  
15 The political party shall submit the list of  
16 prospective appointees to the governor within thirty  
17 calendar days following the first day of vacancy[~~r~~];  
18 and

19           [~~b~~] [~~f~~] (2) If the prior incumbent was not a member of  
20 any political party, the governor, within sixty  
21 calendar days following the first day of vacancy[~~r~~] to



1           fill the vacancy for the unexpired term, shall appoint  
2           a person who is at the time of appointment a resident  
3           of the same state representative district as the prior  
4           incumbent and is not and has not been, for at least  
5           six months immediately [~~prior to~~] before the  
6           appointment, a member of any political party[~~-~~];  
7   provided that if the vacancy occurs due to the death or  
8   permanent incapacitation of the prior incumbent before a primary  
9   election, but after the close of filing for that election, and  
10   the prior incumbent was the only person whose name appeared on  
11   any ballot for that seat for that election, the governor's  
12   appointment shall be valid for both the unexpired term and the  
13   next succeeding term."

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

17           SECTION 4. Statutory material to be repealed is bracketed  
18   and stricken. New statutory material is underscored.

19           SECTION 5. This Act shall take effect January 1, 2525.



# S.B. NO. <sup>5</sup> S.D. 1

**Report Title:**

Legislature; Senators; Representatives; Vacancies; Appointments;  
Term

**Description:**

Establishes that if a state legislative vacancy occurs due to the death or permanent incapacitation of the prior incumbent before a primary election, but after the close of filing for that election, and the prior incumbent was the only person whose name appeared on any ballot for that seat for that election, the Governor's appointment of a replacement shall be valid for both the unexpired term and the next succeeding term. Effective 1/1/2525. (SD1)

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

