

STAND. COM. REP. NO.

182

Honolulu, Hawaii

FEB 10 2025

RE: S.B. No. 5
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir:

Your Committee on Government Operations, to which was referred S.B. No. 5 entitled:

"A BILL FOR AN ACT RELATING TO LEGISLATIVE VACANCIES,"

begs leave to report as follows:

The purpose and intent of this measure is to establish 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 filling the vacancy shall be valid for both the unexpired term and the next succeeding term.

Your Committee received testimony in support of this measure from one individual.

Your Committee finds that ensuring a stable democratic process is vital to the representation and functioning of the State's ability to represent the best interests of the State's residents and communities. The expeditious appointment of a member of the State Senate or House of Representatives when tragic and unforeseen circumstances occur is necessary for the continuity of both the electoral and legislative processes that dictate the State's strong democracy. Your Committee further finds that there is an absence of an established procedure in the event of vacancy



of a state legislative seat due to the death or permanent incapacitation of the prior incumbent before a primary election and the deceased or incapacitated prior incumbent is the only candidate on the ballot for that seat. This measure will address the deficiency in existing statute by allowing the Governor's appointee filling the position to serve in both the unexpired term and the next succeeding term.

Your Committee has amended this measure by:

- (1) Clarifying that the procedural requirements that the Governor must follow in making appointments to fill a state legislative vacancy, including deadlines and residency requirements of the appointee, also apply to appointments to fill vacancies created by the death or permanent incapacitation of the prior incumbent occurring before a primary election and the incumbent's name is the only name on any ballot for that seat for that election;
- (2) Inserting an effective date of January 1, 2525, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 5, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 5, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Government
Operations,



ANGUS L.K. MCKELVEY, Chair



The Senate
Thirty-Third Legislature
State of Hawai'i

Record of Votes
Committee on Government Operations
GVO

Bill / Resolution No.:* <div style="font-size: 1.5em; font-family: cursive;">SB5</div>	Committee Referral: <div style="font-size: 1.5em; font-family: cursive;">GVO, JDC</div>	Date: <div style="font-size: 1.5em; font-family: cursive;">1-30-25</div>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
MCKELVEY, Angus L.K. (C)	✓			
GABBARD, Mike (VC)	✓			
MORIWAKI, Sharon Y.	✓			
SAN BUENAVENTURA, Joy A.	✓			
FEVELLA, Kurt				✓
TOTAL	4	—	—	1
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; margin-top: 10px;"> </div>				
<div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div>Distribution:</div> <div>Original</div> <div>Yellow</div> <div>Pink</div> <div>Goldenrod</div> </div> <div style="display: flex; justify-content: space-between; font-size: 0.8em; margin-top: 5px;"> <div>File with Committee Report</div> <div>Clerk's Office</div> <div>Drafting Agency</div> <div>Committee File Copy</div> </div>				

*Only one measure per Record of Votes