

STAND. COM. REP. NO. 950

Honolulu, Hawaii

FEB 28 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 Judiciary, to which was referred S.B. No. 5, S.D. 1, 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 of a replacement shall be valid for both the unexpired term and the next succeeding term.

Your Committee received testimony in support of this measure from two individuals.

Your Committee finds that the State has continually demonstrated its commitment to ensuring a stable democratic process regarding elections and public office. The lack of a solidified process in tragic and unforeseen instances where there is a 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 has the potential to cause instability in the electoral process and the State's



political system. This measure will address this deficiency in existing law and strengthen the State's electoral procedures and democratic institution by allowing the Governor's appointee filling a vacant state elected position to serve in both the unexpired term and the next succeeding term in certain circumstances.

Your Committee notes that this measure, as written, may contain potential constitutional concerns and has contacted the Department of the Attorney General for an opinion on the matter.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 5, S.D. 1, and recommends that it pass Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



