

JAN 21 2026

A BILL FOR AN ACT

RELATING TO LEGISLATIVE VACANCIES.

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

1 SECTION 1. The legislature finds that when seats in the
2 legislature become vacant, state law should facilitate the
3 appointment of replacement legislators to ensure continuity in
4 the representation of constituents.

5 Accordingly, the purpose of this Act is to provide that if
6 a vacancy occurs in the legislature before due to the death or
7 permanent incapacitation of a legislator before a primary
8 election, but after the close of filing for candidacy in that
9 election, and the incumbent was the only person on any ballot
10 for that seat for that election, the governor's appointment of a
11 replacement shall be valid for both the unexpired term and the
12 succeeding term.

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

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



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

15 (2) If the prior incumbent was not a member of any
16 political party, the governor shall, within sixty
17 calendar days following the first day of vacancy[7] to
18 fill the vacancy for the unexpired term, appoint a
19 person who is at the time of appointment a resident of
20 the same senate district as the prior incumbent and
21 who is not, and has not been for at least six months



1 [prior to] before to the appointment, a member of any
2 political party[‐];
3 provided that if the vacancy occurs due to the death or
4 permanent incapacitation of the prior incumbent before a primary
5 election, but after the close of filing for candidacy in that
6 election, and the prior incumbent's name was the only name on
7 any ballot for that seat for that election, the governor's
8 appointment shall be valid for both the unexpired term and the
9 succeeding term."

10 SECTION 3. Section 17-4, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§17-4 State representatives.** [‐(a)] Whenever any vacancy
13 in the membership of the state house of representatives occurs[‐
14 the]:

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



1 months immediately ~~prior to~~ before the appointment,
2 a member of the political party. The appointee shall,
3 at the time of appointment, be a resident of the same
4 state representative district as the prior incumbent.
5 The political party shall submit the list of
6 prospective appointees to the governor within thirty
7 calendar days following the first day of vacancy[-];
8 and
9 [+b+] (2) If the prior incumbent was not a member of any
10 political party, the governor, within sixty calendar
11 days following the first day of vacancy[-] to fill the
12 vacancy for the unexpired term, shall appoint a person
13 who is at the time of appointment a resident of the
14 same state representative district as the prior
15 incumbent and is not and has not been, for at least
16 six months immediately ~~prior to~~ before the
17 appointment, a member of any political party[-];
18 provided that if the vacancy occurs due to the death or
19 permanent incapacitation of the prior incumbent before a primary
20 election, but after the close of filing for candidacy in that
21 election, and the prior incumbent's name was the only name on



1 any ballot for that seat for that election, the governor's
2 appointment shall be valid for both the unexpired term and the
3 succeeding term."

4 SECTION 4. This Act does not affect rights and duties that
5 matured, penalties that were incurred, and proceedings that were
6 begun before its effective date.

7 SECTION 5. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 6. This Act shall take effect upon its approval.

10

INTRODUCED BY:



S.B. NO. 2016

Report Title:

Legislature; Senators; Representatives; Vacancies; Appointments; Term

Description:

Establishes that if the death or permanent incapacitation of the prior incumbent leaves a legislative seat vacant before a primary election, but after the close of filing for candidacy in that election, and the prior incumbent's name was the only name 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 succeeding term.

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

