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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 17-1, Hawaii Revised Statutes, is  
2 amended to read as follows:  
3           "**§17-1 United States senator.** When a vacancy occurs in  
4 the office of United States senator, the vacancy shall be filled  
5 for the unexpired term at the following state general  
6 election~~[7]~~; provided that the vacancy occurs not later than  
7 4:30 p.m. on the sixtieth day prior to the primary for  
8 nominating candidates to be voted for at the election; otherwise  
9 at the state general election next following. The chief  
10 election officer shall issue a proclamation designating the  
11 election for filling the vacancy. Pending the election, the  
12 governor shall make a temporary appointment to fill the vacancy  
13 ~~[and the]~~ by selecting a person from a list of five prospective  
14 appointees submitted by the same political party as the prior  
15 incumbent. The person ~~[se]~~ appointed shall serve until the  
16 election and qualification of the person duly elected to fill  
17 the vacancy and shall be, at the time of appointment, and shall  
18 have been, for at least six months immediately prior to the



1 appointment, a registered member of the same political party as  
2 the [senator causing the vacancy.] prior incumbent. If the  
3 prior incumbent was not a member of any political party, the  
4 governor shall appoint a person who is not and has not been, for  
5 at least six months immediately prior to the appointment, a  
6 registered member of any political party. All candidates for  
7 the unexpired term shall be nominated and elected in accordance  
8 with this title."

9 SECTION 2. Section 17-3, Hawaii Revised Statutes, is  
10 amended to read as follows:

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

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



1 months immediately prior to the appointment,  
2 registered members of the political party. The  
3 political party shall submit the list of prospective  
4 appointees to the governor within           calendar days  
5 following the first day of vacancy; and

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

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

14 (1) If it occurs not later than on the tenth day prior to  
15 the close of filing for the next succeeding primary  
16 election, the vacancy shall be filled for the  
17 unexpired term at the next succeeding general  
18 election. The chief election officer shall issue a  
19 proclamation designating the election for filling the  
20 vacancy. All candidates for the unexpired term shall  
21 be nominated and elected in accordance with this  
22 title. Pending the election, the governor shall make



1 a temporary appointment to fill the vacancy, and the  
2 person so appointed shall serve until the election of  
3 the person duly elected to fill the vacancy. The  
4 ~~[appointee shall be of]~~ governor shall make the  
5 appointment from a list of five prospective appointees  
6 submitted by the same political party ~~[or~~  
7 ~~nonpartisanship]~~ as the ~~[person the appointee~~  
8 ~~succeeds.]~~ prior incumbent. The prospective  
9 appointees shall be, at the time of appointment, and  
10 shall have been, for at least six months immediately  
11 prior to the appointment, registered members of the  
12 political party. If the prior incumbent was not a  
13 member of any political party, the governor shall  
14 appoint a person who is not and has not been, for at  
15 least six months immediately prior to the appointment,  
16 a registered member of any political party;

- 17 (2) If it occurs later than on the tenth day prior to the  
18 close of filing for the next succeeding primary  
19 election but not later than on the sixtieth day prior  
20 to the next succeeding primary election, or if there  
21 are no qualified candidates for any party or  
22 nonpartisan candidates qualified for the primary



1 election ballot, nominations for the unexpired term  
2 may be filed not later than 4:30 p.m. on the fiftieth  
3 day prior to the next succeeding primary election.  
4 The chief election officer shall issue a proclamation  
5 designating the election for filling the vacancy.  
6 Pending the election the governor shall make a  
7 temporary appointment to fill the vacancy and the  
8 person so appointed shall serve until the election of  
9 the person duly elected to fill the vacancy. The  
10 ~~[appointee shall be of]~~ governor shall make the  
11 appointment from a list of five prospective appointees  
12 submitted by the same political party ~~[or~~  
13 ~~nonpartisanship]~~ as the ~~[person the appointee~~  
14 ~~succeeds.]~~ prior incumbent. The prospective  
15 appointees shall be, at the time of appointment, and  
16 shall have been, for at least six months immediately  
17 prior to the appointment, registered members of the  
18 political party. If the prior incumbent was not a  
19 member of any political party, the governor shall  
20 appoint a person who is not and has not been, for at  
21 least six months immediately prior to the appointment,  
22 a registered member of any political party;



1           (3) If it occurs after the sixtieth day prior to the next  
2           succeeding primary but not later than on the fiftieth  
3           day prior to the next succeeding general election, or  
4           if there are no qualified candidates for any party or  
5           nonpartisan candidates in the primary, the vacancy  
6           shall be filled for the unexpired term at the next  
7           succeeding general election. The chief election  
8           officer shall issue a proclamation designating the  
9           election for filling the vacancy. Party candidates  
10          for the unexpired senate term shall be nominated by  
11          the county committees of the parties not later than  
12          4:30 p.m. on the fortieth day prior to the general  
13          election; nonpartisan candidates may file nomination  
14          papers for the unexpired term not later than 4:30 p.m.  
15          on the fortieth day prior to the general election with  
16          the nonpartisan candidate who is to be nominated to be  
17          decided by lot, under the supervision of the chief  
18          election officer. The candidates for the unexpired  
19          term shall be elected in accordance with this title.  
20          Pending the election, the governor shall make a  
21          temporary appointment to fill the vacancy, and the  
22          person so appointed shall serve until the election of



1 the person duly elected to fill ~~[such]~~ the vacancy.  
2 The ~~[appointee shall be of]~~ governor shall make the  
3 appointment from a list of five prospective appointees  
4 submitted by the same political party [or  
5 nonpartisanship] as the ~~[person the appointee~~  
6 ~~succeeds.]~~ prior incumbent. The prospective  
7 appointees shall be, at the time of appointment, and  
8 shall have been, for at least six months immediately  
9 prior to the appointment, registered members of the  
10 political party. If the prior incumbent was not a  
11 member of any political party, the governor shall  
12 appoint a person who is not and has not been, for at  
13 least six months immediately prior to the appointment,  
14 a registered member of any political party; and  
15 (4) If it occurs after the fiftieth day prior to the next  
16 succeeding general election or if no candidates are  
17 nominated, the governor shall make an appointment to  
18 fill the vacancy for the unexpired term ~~[and the~~  
19 ~~appointee shall be of]~~ by selecting a person from a  
20 list of five prospective appointees submitted by the  
21 same political party [or nonpartisanship] as the  
22 ~~[person the appointee succeeds.]~~ prior incumbent. The



1           prospective appointees shall be, at the time of  
2           appointment, and shall have been, for at least six  
3           months immediately prior to the appointment,  
4           registered members of the political party. If the  
5           prior incumbent was not a member of any political  
6           party, the governor shall appoint a person who is not  
7           and has not been, for at least six months immediately  
8           prior to the appointment, a registered member of any  
9           political party."

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 governor shall make an appointment within sixty calendar  
15 days following the first day of vacancy to fill the vacancy for  
16 the unexpired term [~~and the appointee shall be of~~] by selecting  
17 a person from a list of five prospective appointees submitted by  
18 the same political party [~~or nonpartisanship~~] as the [~~person the~~  
19 appointee succeeds.] prior incumbent. The prospective  
20 appointees shall be, at the time of appointment, and shall have  
21 been, for at least six months immediately prior to the  
22 appointment, registered members of the political party. The





1 political party shall submit the list of prospective appointees  
2 to the governor within                    calendar days following the first  
3 day of vacancy.

4        (b) If the prior incumbent was not a member of any  
5 political party, the governor, within sixty calendar days  
6 following the first day of vacancy, shall appoint a person who  
7 is not and has not been, for at least six months immediately  
8 prior to the appointment, a registered member of any political  
9 party."

10        SECTION 4. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12        SECTION 5. This Act shall take effect on July 1, 2096.

**Report Title:**

Legislative Vacancies; Appointments

**Description:**

Requires the Governor, in filling vacancies in the Senate, House of Representatives, and U.S. Senate, to select from a list of five prospective appointees nominated by the political party of the prior incumbent. Requires prospective appointees to be registered members of nominating political parties for at least six months prior to the appointment. (HB2454 HD1)

