
A BILL FOR AN ACT

RELATING TO 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 election[~~7~~
6 ~~provided that~~] if the vacancy occurs not later than 4:30 p.m. on
7 the sixtieth day prior to the primary for nominating candidates
8 to be voted for at the election[~~7 otherwise~~]. Otherwise the
9 vacancy shall be filled at the state general election next
10 following. The chief election officer shall issue a
11 proclamation designating the election for filling the vacancy.
12 Pending the election, the governor shall make a temporary
13 appointment to fill the vacancy, and the person so appointed
14 shall be a registered member of the same political party as the
15 senator causing the vacancy and shall serve until the election
16 and qualification of the person duly elected to fill the vacancy
17 [~~and shall be a registered member of the same political party as~~
18 ~~the senator causing the vacancy~~]. The governor shall select the



1 person to fill the temporary appointment from a list of names of
2 nominees submitted to the governor by the chair of the
3 appropriate political party. All candidates for the unexpired
4 term shall be nominated and elected in accordance with this
5 title."

6 SECTION 2. Section 17-2, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "**§17-2 United States representative.** (a) When a vacancy
9 occurs in the representation of this State in the United States
10 House of Representatives, the chief election officer shall issue
11 a proclamation for an election to fill the vacancy. The
12 proclamation shall be issued not later than on the sixtieth day
13 prior to the election to fill the vacancy and shall contain the
14 date, time, and places where the special election is to be held,
15 the time within which nomination papers shall be filed, the time
16 for transmitting to county clerks the notice designating the
17 offices for which candidates are to be elected, the time for
18 transmitting to county clerks lists of candidates to be voted
19 for at the special election and such other matter as provided
20 for in section 11-91 and ~~which~~ that are not inconsistent with
21 this section. The special election shall be conducted and the



1 results ascertained so far as practicable, in accordance with
2 this title.

3 (b) Pending the election, the governor shall make a
4 temporary appointment to fill the vacancy and the person so
5 appointed shall be a registered member of the same political
6 party as the senator causing the vacancy and shall serve until
7 the election and qualification of the person duly elected to
8 fill the vacancy. The governor shall select the person to fill
9 the temporary appointment from a list of names of nominees
10 submitted to the governor by the chair of the appropriate
11 political party. All candidates for the unexpired term shall be
12 nominated and elected in accordance with this title."

13 SECTION 3. Section 17-3, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "**§17-3 State senator.** (a) Whenever any vacancy in the
16 membership of the state senate occurs, the term of which ends at
17 the next succeeding general election, the governor shall make
18 [~~an~~] a temporary appointment within sixty calendar days
19 following the first day of vacancy to fill the vacancy for the
20 unexpired term and the appointee shall be of the same political
21 party or nonpartisanship as the person the appointee succeeds.
22 The governor shall select the person to fill the temporary



1 appointment from a list of names of nominees submitted to the
2 governor by the chair of the appropriate political party.

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

5 (1) If it occurs not later than on the tenth day prior to
6 the close of filing for the next succeeding primary
7 election, the vacancy shall be filled for the
8 unexpired term at the next succeeding general
9 election. The chief election officer shall issue a
10 proclamation designating the election for filling the
11 vacancy. All candidates for the unexpired term shall
12 be nominated and elected in accordance with this
13 title. Pending the election the governor shall make a
14 temporary appointment to fill the vacancy and the
15 person so appointed shall serve until the election of
16 the person duly elected to fill the vacancy. The
17 appointee shall be of the same political party or
18 nonpartisanship as the person the appointee
19 succeeds[-] and the temporary appointment shall be as
20 provided in this section.

21 (2) If it occurs later than on the tenth day prior to the
22 close of filing for the next succeeding primary



1 election but not later than on the sixtieth day prior
2 to the next succeeding primary election, or if there
3 are no qualified candidates for any party or
4 nonpartisan candidates qualified for the primary
5 election ballot, nominations for the unexpired term
6 may be filed not later than 4:30 p.m. on the fiftieth
7 day prior to the next succeeding primary election.
8 The chief election officer shall issue a proclamation
9 designating the election for filling the vacancy.
10 Pending the election the governor shall make a
11 temporary appointment to fill the vacancy and the
12 person so appointed shall serve until the election of
13 the person duly elected to fill the vacancy. The
14 appointee shall be of the same political party or
15 nonpartisanship as the person the appointee
16 succeeds[-] and the temporary appointment shall be as
17 provided in this section.

- 18 (3) If it occurs after the sixtieth day prior to the next
19 succeeding primary but not later than on the fiftieth
20 day prior to the next succeeding general election, or
21 if there are no qualified candidates for any party or
22 nonpartisan candidates in the primary, the vacancy



1 shall be filled for the unexpired term at the next
2 succeeding general election. The chief election
3 officer shall issue a proclamation designating the
4 election for filling the vacancy. Party candidates
5 for the unexpired senate term shall be nominated by
6 the county committees of the parties not later than
7 4:30 p.m. on the fortieth day prior to the general
8 election; nonpartisan candidates may file nomination
9 papers for the unexpired term not later than 4:30 p.m.
10 on the fortieth day prior to the general election with
11 the nonpartisan candidate who is to be nominated to be
12 decided by lot, under the supervision of the chief
13 election officer. The candidates for the unexpired
14 term shall be elected in accordance with this title.
15 Pending the election the governor shall make a
16 temporary appointment to fill the vacancy and the
17 person so appointed shall serve until the election of
18 the person duly elected to fill such vacancy. The
19 appointee shall be of the same political party or
20 nonpartisanship as the person the appointee
21 succeeds[-] and the temporary appointment shall be as
22 provided in this section.



1 (4) If it occurs after the fiftieth day prior to the next
2 succeeding general election or if no candidates are
3 nominated, the governor shall make [~~an~~] a temporary
4 appointment to fill the vacancy for the unexpired term
5 and the appointee shall be of the same political party
6 or nonpartisanship as the person the appointee
7 succeeds[~~-~~] and the temporary appointment shall be as
8 provided in this section."

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

11 "**§17-4 State representatives.** (a) Whenever any vacancy
12 in the membership of the state house of representatives occurs,
13 the governor shall make [~~an~~] a temporary appointment within
14 sixty calendar days following the first day of vacancy to fill
15 the vacancy for the unexpired term and the appointee shall be of
16 the same political party or nonpartisanship as the person the
17 appointee succeeds.

18 (b) If the person the appointee succeeds was a member of a
19 political party, the governor shall select the person to fill
20 the temporary appointment from a list of names of nominees
21 submitted to the governor by the chair of the appropriate
22 political party."




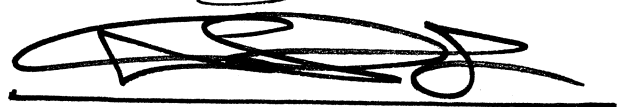
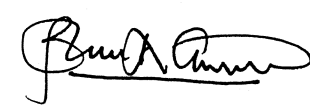
H.B. NO. 1912

1 SECTION 5. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

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

4

INTRODUCED BY: _____

JAN 19 2006



HB1912

Report Title:

Congressional and Legislative Vacancies; Temporary Appointment

Description:

Clarifies the procedure for filling vacancy in the office of U.S. Senate; U.S. House of Representatives; state senate; and state house of representatives by requiring governor to fill vacancy from list of names submitted by chair of the appropriate political party.

