
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 vacator.
15 The person so appointed shall serve until the election and
16 qualification of the person duly elected to fill the vacancy and
17 shall be, at the time of appointment and for at least
18 months immediately prior to the appointment, a registered member



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

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

10 "**§17-3 State senator.** (a) Whenever any vacancy in the
 11 membership of the state senate occurs, the term of which ends at
 12 the next succeeding general election[~~, the~~]:

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

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

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

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

12 (1) If it occurs not later than on the tenth day prior to
13 the close of filing for the next succeeding primary
14 election, the vacancy shall be filled for the
15 unexpired term at the next succeeding general
16 election. The chief election officer shall issue a
17 proclamation designating the election for filling the
18 vacancy. All candidates for the unexpired term shall
19 be nominated and elected in accordance with this
20 title. 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 the vacancy. The
2 [~~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.~~] vacator. The prospective appointees shall
7 be, at the time of appointment and for at least
8 months immediately prior to the appointment,
9 registered members of the political party. If the
10 vacator is not a member of any political party, the
11 governor shall appoint a person who is not and has not
12 been, for at least _____ months immediately prior to
13 the appointment, a member of any political party;

14 (2) If it occurs later than on the tenth day prior to the
15 close of filing for the next succeeding primary
16 election but not later than on the sixtieth day prior
17 to the next succeeding primary election, or if there
18 are no qualified candidates for any party or
19 nonpartisan candidates qualified for the primary
20 election ballot, nominations for the unexpired term
21 may be filed not later than 4:30 p.m. on the fiftieth
22 day prior to the next succeeding primary election.



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

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



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



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



1 person who is not and has not been, for at least
2 months immediately prior to the appointment, a member
3 of any political party."

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

6 "**§17-4 State representatives.** (a) Whenever any vacancy
7 in the membership of the state house of representatives occurs,
8 the governor shall make an appointment within sixty calendar
9 days following the first day of vacancy to fill the vacancy for
10 the unexpired term [~~and the appointee shall be of~~] by selecting
11 a person from a list of five prospective appointees submitted by
12 the same political party [~~or nonpartisanship~~] as the [~~person the~~
13 appointee succeeds.] vacator. The prospective appointees shall
14 be, at the time of appointment and for at least _____ months
15 immediately prior to the appointment, registered members of the
16 political party. The political party shall submit the list of
17 prospective appointees to the governor within _____ calendar
18 days following the first day of vacancy.

19 (b) If the vacator is not a member of any political party,
20 the governor shall within sixty calendar days following the
21 first day of vacancy appoint a person who is not and has not



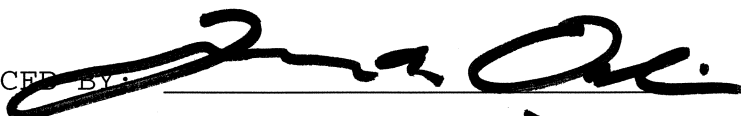
1 been, for at least months immediately prior to the
2 appointment, a member of any political party."

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

5 SECTION 5. This Act shall take effect upon its approval.

6

INTRODUCED BY:



JAN 23 2006



HB 2454

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 vacator. Requires prospective appointees to be registered members of nominating political parties for a certain period of time prior to the appointment.

