

PROPOSED

HOUSE OF REPRESENTATIVES
TWENTY-THIRD LEGISLATURE, 2006
STATE OF HAWAII

H.B. NO. 2454
H.D. 1
S.D. 2

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 three prospective
14 appointees submitted by the same political party as the prior
15 incumbent. The person [sø] 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



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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 three 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

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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 thirty 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

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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 three prospective
6 appointees 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



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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 three prospective
12 appointees 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;



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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



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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 three prospective
4 appointees 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 three 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 three prospective appointees submitted
 18 by the same political party [~~or nonpartisanship~~] as the [~~person~~
 19 ~~the 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 thirty 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 upon approval.

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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 three 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. Effective on approval.

(SD2)

