
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 not less than
14 three persons submitted by the same political party as the
15 person the appointee succeeds. The person so appointed shall
16 serve until the election and qualification of the person duly
17 elected to fill the vacancy and shall be a registered member of
18 the same political party as the [~~senator causing the vacancy.~~]



1 person the appointee succeeds. If the person the appointee
2 succeeds is not a member of any political party, the governor
3 shall appoint a person who is not a member of any political
4 party from the time prior to when the vacancy is first
5 announced. All candidates for the unexpired term shall be
6 nominated and elected in accordance with this title."

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

9 "**§17-3 State senator.** (a) Whenever any vacancy in the
10 membership of the state senate occurs, the term of which ends at
11 the next succeeding general election[~~, the~~]:

12 (1) The governor shall make an appointment within [sixty]
13 forty calendar days following the first day of vacancy
14 to fill the vacancy for the unexpired term [and the
15 appointee shall be of] by selecting a person from a
16 list of not less than three persons submitted by the
17 same political party [or nonpartisanship] as the
18 person the appointee succeeds. The political party
19 shall submit the list of persons to the governor
20 within thirty calendar days following the first day of
21 vacancy. If for any reason the governor fails to
22 appoint a person from the list of persons within the



1 forty calendar days following the first day of
2 vacancy, the president of the senate shall immediately
3 on the first day thereafter fill the vacancy by
4 appointing a person from the list of persons submitted
5 by the political party; and

6 (2) If the person the appointee succeeds is not a member
7 of any political party, the governor shall within
8 forty calendar days following the first day of vacancy
9 appoint a person who is not a member of any political
10 party from the time prior to when the vacancy is first
11 announced. If for any reason the governor fails to
12 appoint a person within the forty calendar days
13 following the first day of vacancy, the president of
14 the senate shall immediately on the first day
15 thereafter appoint a person who is not a member of any
16 political party from the time prior to when the
17 vacancy is first announced.

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

20 (1) If it occurs not later than on the tenth day prior to
21 the close of filing for the next succeeding primary
22 election, the vacancy shall be filled for the



1 unexpired term at the next succeeding general
2 election. The chief election officer shall issue a
3 proclamation designating the election for filling the
4 vacancy. All candidates for the unexpired term shall
5 be nominated and elected in accordance with this
6 title. 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 not less than three persons
12 submitted by the same political party [~~or~~
13 nonpartisanship] as the person the appointee succeeds.
14 If the person the appointee succeeds is not a member
15 of any political party, the governor shall appoint a
16 person who is not a member of any political party from
17 the time prior to when the vacancy is first announced;
18 (2) If it occurs later than on the tenth day prior to the
19 close of filing for the next succeeding primary
20 election but not later than on the sixtieth day prior
21 to the next succeeding primary election, or if there
22 are no qualified candidates for any party or



1 nonpartisan candidates qualified for the primary
2 election ballot, nominations for the unexpired term
3 may be filed not later than 4:30 p.m. on the fiftieth
4 day prior to the next succeeding primary election.

5 The chief election officer shall issue a proclamation
6 designating the election for filling the vacancy.

7 Pending the election the governor shall make a
8 temporary appointment to fill the vacancy and the
9 person so appointed shall serve until the election of
10 the person duly elected to fill the vacancy. The

11 ~~[appointee shall be of]~~ governor shall make the
12 appointment from a list of not less than three persons
13 submitted by the same political party ~~[or~~
14 ~~nonpartisanship]~~ as the person the appointee succeeds.

15 If the person the appointee succeeds is not a member
16 of any political party, the governor shall appoint a
17 person who is not a member of any political party from
18 the time prior to when the vacancy is first announced;

- 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 not less than three persons
22 submitted by the same political party ~~[or~~



1 ~~nonpartisanship~~] as the person the appointee succeeds.

2 If the person the appointee succeeds is not a member

3 of any political party, the governor shall appoint a

4 person who is not a member of any political party from

5 the time prior to when the vacancy is first announced;

6 (4) If it occurs after the fiftieth day prior to the next

7 succeeding general election or if no candidates are

8 nominated, the governor shall make an appointment to

9 fill the vacancy for the unexpired term [~~and the~~

10 ~~appointee shall be of~~] by selecting a person from a

11 list of not less than three persons submitted by the

12 same political party [~~or nonpartisanship~~] as the

13 person the appointee succeeds. If the person the

14 appointee succeeds is not a member of any political

15 party, the governor shall appoint a person who is not

16 a member of any political party from the time prior to

17 when the vacancy is first announced."

18 SECTION 3. Section 17-4, Hawaii Revised Statutes, is

19 amended to read as follows:

20 "**§17-4 State representatives.** (a) Whenever any vacancy in

21 the membership of the state house of representatives occurs, the

22 governor shall make an appointment within [~~sixty~~] forty calendar



1 days following the first day of vacancy to fill the vacancy for
2 the unexpired term [~~and the appointee shall be of~~] by selecting
3 a person from a list of not less than three persons submitted by
4 the same political party [~~or nonpartisanship~~] as the person the
5 appointee succeeds. The political party shall submit the list
6 of persons to the governor within thirty calendar days following
7 the first day of vacancy. If for any reason the governor fails
8 to appoint a person from the list of persons within the forty
9 calendar days following the first day of vacancy, the speaker of
10 the house of representatives shall immediately on the first day
11 thereafter fill the vacancy by appointing a person from the list
12 of persons submitted by the political party.

13 (b) If the person the appointee succeeds is not a member
14 of any political party, the governor shall within forty calendar
15 days following the first day of vacancy appoint a person who is
16 not a member of any political party from the time prior to when
17 the vacancy is first announced. If for any reason the governor
18 fails to appoint a person within the forty calendar days
19 following the first day of vacancy, the speaker of the house of
20 representatives shall immediately on the first day thereafter
21 appoint a person who is not a member of any political party from
22 the time prior to when the vacancy is first announced."



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

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

4

INTRODUCED BY: Calvin K. Boy
JAN 23 2006



H. B. NO. 2481

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 individuals nominated by the political party of the person creating the vacancy. Shortens the period in which the Governor must fill a vacancy in the Senate and House of Representatives, from 60 calendar days to 40.

