

JAN 25 2006

A BILL FOR AN ACT

RELATING TO VACANCIES IN THE STATE LEGISLATURE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Section 17-4, Hawaii Revised Statutes, is amended to read as follows:

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

(a) In this section:

"Day" means calendar day.

"County committee" for a house district means a committee of a political party designated by such party to manage the party and conduct its affairs in the county in which the district has the highest population.

"District committee" for a house district means a committee consisting of a political party's chair and precinct officers for the district.

"House" means the state house of representatives.



"Qualification period" means the period from the date six months before a vacancy in the membership of the house until the date when a successor is appointed to fill the vacancy.

"Qualified member" of a political party means a registered member of such party during the qualification period who would be qualified to be elected to the vacated member's seat on the date a successor is appointed by the governor pursuant to subsection (b).

(b) If a vacancy in the membership of the house:

(1) Occurs within thirty days before the end of the unexpired term, the vacancy shall remain unfilled until a successor is selected in the next general election;

(2) Occurs more than thirty days before the end of the unexpired term and the vacated member was not a registered member of any political party at the time of the vacancy, then, the governor shall promptly and no later than thirty days after the time of the vacancy, appoint a successor who:

(A) Shall have had no party affiliation throughout the qualification period;



- (B) May not, while continuing as a member of the house, become affiliated with any party for at least six months following the appointment, any rule of the house to the contrary notwithstanding; and
- (C) Would be qualified to be elected to the vacated member's seat on the date of the appointment; or
- (3) Occurs more than thirty days before the end of the unexpired term and the vacated member was a registered member of a political party at the time of the vacancy, then:

 - (A) If:

 - (i) The vacancy occurs within sixty days before the end of the unexpired term, the ranking member of the house of the vacated member's political party shall promptly and no later than thirty days after the vacancy, submit to the governor at least one candidate who is a qualified member of such party; or



(ii) The vacancy occurs within ninety days but more than sixty days before the end of the unexpired term, the county committee, if any, of the vacated member's political party, or the district committee of such party, if no county committee exists, shall promptly and no later than thirty days after the vacancy, submit to the governor at least one candidate who is a qualified member of such party; or

(iii) The vacancy occurs more than ninety days before the end of the unexpired term, such county committee, if any, or such district committee, if no such county committee exists, shall, if feasible within the time remaining, hold at least one public meeting to solicit the views of such party's members in the vacated member's district as to suitable successors and, following any such meetings, shall



promptly and no later than sixty days
after the vacancy, submit to the
governor at least one candidate who is
a qualified member of such party; and

(B) Within thirty days after any such submission
above, the governor shall appoint a
successor from among the submitted
candidates."

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

"§17-3 State senator. (a) Whenever any vacancy in the membership of the state senate occurs, the term of which ends at the next succeeding general election, the ~~[governor shall make an appointment within sixty calendar days following the first day of vacancy to fill the vacancy for the unexpired term and the appointee shall be of the same political party or nonpartisanship as the person the appointee succeeds.]~~ vacancy shall be filled pursuant to section 17-4 as it would apply to the state senate *mutatis mutandis* after substituting for:

- (1) "state house of representatives," state senate; or
- (2) "house," senate

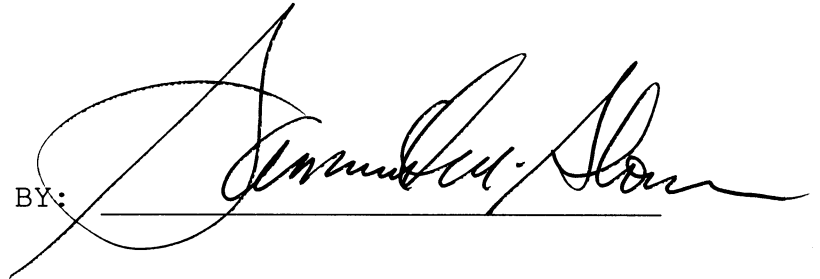
in that section."



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

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY: _____

A large, stylized handwritten signature in black ink is written over a horizontal line. The signature is cursive and appears to read "Assemblyman".

Report Title:

Vacancies in the State Legislature

Description:

Revises procedures for filling of vacancies in the State
Legislature

