

JAN 25 2006

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[~~, 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 Upon a vacancy occurring, the governor shall immediately notify
13 in writing the chair of the political party that the last
14 incumbent represented at the time of election or appointment, if
15 not elected to office. Pending the election [~~the governor~~], the
16 chair of the political party that the incumbent represented
17 shall call a meeting of the state central committee of the
18 party, which shall be held not later than twenty days after the



1 vacancy occurs. At the meeting, the state central committee
2 shall select and the chair shall submit to the governor the
3 names of not less than three persons qualified to fill the
4 vacancy. Within five days after receiving the list of names of
5 the nominees from the chair of the appropriate political party,
6 the governor shall make a temporary appointment of one of the
7 nominees to fill the vacancy [~~and the~~]. The person so appointed
8 shall serve until the election and qualification of the person
9 duly elected to fill the vacancy [~~and shall be a registered~~
10 ~~member of the same political party as the senator causing the~~
11 ~~vacancy~~]. All candidates for the unexpired term shall be
12 nominated and elected in accordance with this title."

13 SECTION 2. 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 an
18 appointment within sixty calendar days following the first day
19 of vacancy to fill the vacancy for the unexpired term and the
20 appointee shall be of the same political party or
21 nonpartisanship as the person the appointee succeeds. Upon a
22 vacancy occurring, the governor shall immediately notify in



1 writing the chair of the political party that the last incumbent
2 represented at the time of election or appointment, if not
3 elected to office.

4 Pending an election, the chair of the party that the
5 incumbent represented shall call a meeting of the state central
6 committee of the party, to be held not later than twenty days
7 after the vacancy. At the meeting, the state central committee
8 shall select and the chair shall submit to the governor the
9 names of not less than three persons qualified to fill the
10 vacancy. Within five days after receiving the list of names of
11 the nominees from the chair of the appropriate party, the
12 governor shall make a temporary appointee from among the
13 nominees to fill the vacancy.

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

16 (1) If it occurs not later than on the tenth day prior to
17 the close of filing for the next succeeding primary
18 election, the vacancy shall be filled for the
19 unexpired term at the next succeeding general
20 election. The chief election officer shall issue a
21 proclamation designating the election for filling the
22 vacancy. All candidates for the unexpired term shall



1 be nominated and elected in accordance with this
2 title. Pending the election the governor shall make a
3 temporary appointment to fill the vacancy and the
4 person so appointed shall serve until the election of
5 the person duly elected to fill the vacancy. The
6 appointee shall be of the same political party or
7 nonpartisanship as the person the appointee
8 succeeds[-] and the temporary appointment shall be as
9 provided in this section.

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

19 The chief election officer shall issue a proclamation
20 designating the election for filling the vacancy.

21 Pending the election the governor shall make a
22 temporary appointment to fill the vacancy and the



1 person so appointed shall serve until the election of
2 the person duly elected to fill the vacancy. The
3 appointee shall be of the same political party or
4 nonpartisanship as the person the appointee
5 succeeds[-] and the temporary appointment shall be as
6 provided in this section.

- 7 (3) If it occurs after the sixtieth day prior to the next
8 succeeding primary but not later than on the fiftieth
9 day prior to the next succeeding general election, or
10 if there are no qualified candidates for any party or
11 nonpartisan candidates in the primary, the vacancy
12 shall be filled for the unexpired term at the next
13 succeeding general election. The chief election
14 officer shall issue a proclamation designating the
15 election for filling the vacancy. Party candidates
16 for the unexpired senate term shall be nominated by
17 the county committees of the parties not later than
18 4:30 p.m. on the fortieth day prior to the general
19 election; nonpartisan candidates may file nomination
20 papers for the unexpired term not later than 4:30 p.m.
21 on the fortieth day prior to the general election with
22 the nonpartisan candidate who is to be nominated to be



1 decided by lot, under the supervision of the chief
 2 election officer. The candidates for the unexpired
 3 term shall be elected in accordance with this title.
 4 Pending the election the governor shall make a
 5 temporary appointment to fill the vacancy and the
 6 person so appointed shall serve until the election of
 7 the person duly elected to fill such vacancy. The
 8 appointee shall be of the same political party or
 9 nonpartisanship as the person the appointee
 10 succeeds[~~-~~] and the temporary appointment shall be as
 11 provided in this section.

12 (4) If it occurs after the fiftieth day prior to the next
 13 succeeding general election or if no candidates are
 14 nominated, the governor shall make an appointment to
 15 fill the vacancy for the unexpired term and the
 16 appointee shall be of the same political party or
 17 nonpartisanship as the person the appointee
 18 succeeds[~~-~~] and the temporary appointment shall be as
 19 provided in this section."

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

1 "**§17-4 State representatives.** (a) Whenever any vacancy
2 in the membership of the state house of representatives occurs,
3 the governor shall make an appointment within sixty calendar
4 days following the first day of vacancy to fill the vacancy for
5 the unexpired term and the appointee shall be of the same
6 political party or nonpartisanship as the person the appointee
7 succeeds. Upon a vacancy occurring, the governor shall
8 immediately notify in writing the chair of the political party
9 that the last incumbent represented at the time of election or
10 appointment, if not elected to office.

11 (b) If the person the appointee succeeds was a member of a
12 political party, the chair of the party that the incumbent
13 represented shall call a meeting of the state central committee
14 of the party, to be held not later than twenty days after the
15 vacancy. At the meeting, the state central committee shall
16 select and the chair shall submit to the governor the names of
17 not less than three persons qualified to fill the vacancy.
18 Within five days after receiving the list of names of the
19 nominees from the chair of the appropriate party, the governor
20 shall make a temporary appointment from among the nominees to
21 fill the vacancy."



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.

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INTRODUCED BY: Norman Sakamoto

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SB. NO. 2655

Report Title:

Congressional and Legislative Vacancies; Temporary Appointment

Description:

Clarifies the procedure for filling vacancy in the office of U.S. Senate; state senate; and state house of representatives. Requires chair of appropriate political party to convene meeting of the central committee to select nominees and submit list to governor; requires governor to fill vacancy from list submitted by chair of the appropriate political party.

