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A BILL FOR AN ACT

PROPOSING AMENDMENTS TO THE HAWAII STATE CONSTITUTION TO PROVIDE FOR AN ELECTED ATTORNEY GENERAL, IMPEACHMENT OF THE ATTORNEY GENERAL, AND REMOVAL OF THE ATTORNEY GENERAL.

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

- 1 SECTION 1. The purpose of this Act is to propose an
- 2 amendment to article V of the Constitution of the State of
- 3 Hawaii to provide that the attorney general be elected by the
- 4 vote of the general public rather than appointed by the
- 5 governor.
- 6 SECTION 2. Article V of the Constitution of the State of
- 7 Hawaii is amended by adding a new section to be appropriately
- 8 designated and to read as follows:

9 "ATTORNEY GENERAL

- 10 Section . There shall be an attorney general who shall be
- 11 nominated at a nonpartisan primary election and elected at a
- 12 nonpartisan general election. If more than one candidate has
- 13 been nominated for election to the position of attorney general
- 14 at a nonpartisan primary election, the attorney general shall be
- 15 elected by the qualified voters of this State at a nonpartisan
- 16 general election. If a candidate nominated for the position of

- attorney general at a nonpartisan primary election is unopposed 1
- 2 for that position at the nonpartisan general election, the
- candidate shall be deemed elected at the nonpartisan primary 3
- election. The person receiving the highest number of votes at a 4
- 5 nonpartisan general election shall be the attorney general. In
- the case of a tie vote, the selection of the attorney general 6
- 7 shall be determined as provided by law.
- The term of office of the attorney general shall begin and 8
- 9 end on the same dates as the governor and no person shall be
- elected to the office of attorney general for more than two 10
- 11 consecutive full terms.
- No person shall be eligible for the office of attorney 12
- general unless the person shall be a qualified voter, have 13
- 14 attained the age of thirty years, have been a licensed attorney
- in this State for at least years and have been a resident 15
- of this State for five years immediately preceding the person's 16
- 17 election.
- The attorney general shall not hold any other office or 18
- employment of profit under the State or the United States during 19
- 20 the attorney general's term of office.
- The powers, duties, and compensation of the attorney general 21
- shall be as provided by law. 22

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1	When the office of attorney general is vacant, or in the
2	event of the absence of the attorney general from the State, or
3	the attorney general's inability to exercise and discharge the
4	powers and duties of the attorney general, such powers and
5	duties shall devolve upon the deputy attorneys general in order
6	of succession as may be provided by law.
7	In the event of impeachment of the attorney general, the
8	attorney general shall not exercise the powers of the attorney
9	general until acquitted."
10	SECTION 3. Article III, section 19, of the Constitution of
11	the State of Hawaii is amended to read as follows:
12	"IMPEACHMENT
12 13	"IMPEACHMENT Section 19. The governor [and], lieutenant governor, the
13	Section 19. The governor [and], lieutenant governor, the
13 14	Section 19. The governor [and], lieutenant governor, the attorney general, and any appointive officer for whose removal
13 14 15	Section 19. The governor [and], lieutenant governor, the attorney general, and any appointive officer for whose removal the consent of the senate is required, may be removed from
13 14 15 16	Section 19. The governor [and], lieutenant governor, the attorney general, and any appointive officer for whose removal the consent of the senate is required, may be removed from office upon conviction of impeachment for such causes as may be
13 14 15 16 17	Section 19. The governor [and], lieutenant governor, the attorney general, and any appointive officer for whose removal the consent of the senate is required, may be removed from office upon conviction of impeachment for such causes as may be provided by law.
13 14 15 16 17 18	Section 19. The governor [and], lieutenant governor, the attorney general, and any appointive officer for whose removal the consent of the senate is required, may be removed from office upon conviction of impeachment for such causes as may be provided by law. The house of representatives shall have the sole power of
13 14 15 16 17 18	Section 19. The governor [and], lieutenant governor, the attorney general, and any appointive officer for whose removal the consent of the senate is required, may be removed from office upon conviction of impeachment for such causes as may be provided by law. The house of representatives shall have the sole power of impeachment of the governor [and], lieutenant governor and



- 1 sitting for that purpose, the members of the senate shall be on
- 2 oath or affirmation and the chief justice shall preside.
- 3 Subject to the provisions of this paragraph, the legislature may
- 4 provide for the manner and procedure of removal by impeachment
- 5 of such officers.
- 6 The legislature shall by law provide for the manner and
- 7 procedure of removal by impeachment of the appointive officers.
- 8 Judgments in cases of impeachment shall not extend beyond
- 9 removal from office and disqualification to hold and enjoy any
- 10 office of honor, trust or profit under the State; but the person
- 11 convicted may nevertheless be liable and subject to indictment,
- 12 trial, judgment and punishment as provided by law."
- 13 SECTION 4. Article V, section 6, of the Constitution of
- 14 the State of Hawaii is amended to read as follows:
- 15 "EXECUTIVE AND ADMINISTRATIVE OFFICES
- 16 AND DEPARTMENTS
- 17 Section 6. All executive and administrative offices,
- 18 departments and instrumentalities of the state government and
- 19 their respective powers and duties shall be allocated by law
- 20 among and within not more than twenty principal departments in
- 21 such a manner as to group the same according to common purposes
- 22 and related functions. Temporary commissions or agencies for



- 1 special purposes may be established by law and need not be
- 2 allocated within a principal department.
- 3 Each principal department shall be under the supervision of
- 4 the governor and, unless otherwise provided in this constitution
- 5 or by law, shall be headed by a single executive. Such single
- 6 executive shall be nominated and, by and with the advice and
- 7 consent of the senate, appointed by the governor. That person
- 8 shall hold office for a term to expire at the end of the term
- 9 for which the governor was elected, unless sooner removed by the
- 10 governor [+ except that the removal of the chief legal officer of
- 11 the State shall be subject to the advice and consent of the
- 12 senate].
- 13 Except as otherwise provided in this constitution, whenever
- 14 a board, commission or other body shall be the head of a
- 15 principal department of the state government, the members
- 16 thereof shall be nominated and, by and with the advice and
- 17 consent of the senate, appointed by the governor. The term of
- 18 office and removal of such members shall be as provided by law.
- 19 Such board, commission or other body may appoint a principal
- 20 executive officer who, when authorized by law, may be an ex
- 21 officio, voting member thereof, and who may be removed by a
- 22 majority vote of the members appointed by the governor.



1 The governor shall nominate and, by and with the advice and consent of the senate, appoint all officers for whose election 2 or appointment provision is not otherwise provided for by this 3 constitution or by law. If the manner or removal of an officer 4 5 is not prescribed in this constitution, removal shall be as provided by law. 6 When the senate is not in session and a vacancy occurs in 7 any office, appointment to which requires the confirmation of 8 9 the senate, the governor may fill the office by granting a commission which shall expire, unless such appointment is 10 confirmed, at the end of the next session of the senate. 11 12 person so appointed shall not be eligible for another interim 13 appointment to such office if the appointment failed to be 14 confirmed by the senate. No person who has been nominated for appointment to any 15 office and whose appointment has not received the consent of the 16 senate shall be eligible to an interim appointment thereafter to 17 such office. 18 Every officer appointed under the provisions of this 19 section shall be a citizen of the United States and shall have 20 been a resident of this State for at least one year immediately 21 preceding that person's appointment, except that this residency 22



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1	requirement shall not apply to the president of the University
2	of Hawaii."
3	SECTION 5. The question to be printed on the ballot shall
4	be as follows:
5	"Shall the attorney general, the chief legal officer of the
6	State of Hawaii, be elected by vote of the general public
7	from among nonpartisan candidates instead of being
8	appointed by the governor, and removed only by
9	impeachment?"
10	SECTION 6. Constitutional material to be repealed is
11	bracketed and stricken. New constitutional material is
12	underscored.
13	SECTION 7. This amendment shall take effect upon
14	compliance with article XVII, section 3, of the Constitution of

INTRODUCED BY:

Ju dlea

the State of Hawaii.

Report Title:

Attorney General; Election; Impeachment; Removal

Description:

Proposes a new section to article V of the Hawaii constitution to provide for the election of the attorney general; amends article III, section 19 of the Hawaii constitution to allow for impeachment of the attorney general; amends article V section 6 of the Hawaii Constitution relating to removal of attorney general with the advice and consent of senate.