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## 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 election,  
6 provided that the vacancy occurs not later than 4:30 p.m. on the  
7 sixtieth day prior to the primary for nominating candidates to  
8 be voted for at the election; otherwise at the state general  
9 election next following. The chief election officer shall issue  
10 a proclamation designating the election for filling the vacancy.  
11 Pending the election, the governor shall make a temporary  
12 appointment to fill the vacancy [~~and the~~] by selecting a person  
13 from a list of three prospective appointees submitted by the  
14 same political party as the prior incumbent. The person [sø]  
15 appointed shall serve until the election and qualification of  
16 the person duly elected to fill the vacancy and shall be, at the  
17 time of appointment, and shall have been, for at least six  
18 months immediately prior to the appointment, a registered member



1 of the same political party as the [~~senator causing the~~  
2 ~~vacancy.~~] prior incumbent. If the prior incumbent was not a  
3 member of any political party, the governor shall appoint a  
4 person who is not and has not been, for at least six months  
5 immediately prior to the appointment, a registered member of any  
6 political party. All candidates for the unexpired term shall be  
7 nominated and elected in accordance with this title."

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

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

13 (1) The governor shall make an appointment within sixty  
14 calendar days following the first day of vacancy to  
15 fill the vacancy for the unexpired term [~~and the~~  
16 ~~appointee shall be of~~] by selecting a person from a  
17 list of three prospective appointees submitted by the  
18 same political party [~~or nonpartisanship~~] as the  
19 [~~person the appointee succeeds.~~] prior incumbent. The  
20 prospective appointees shall be, at the time of  
21 appointment, and shall have been, for at least six  
22 months immediately prior to the appointment,



1           registered members of the political party. The  
2           political party shall submit the list of prospective  
3           appointees to the governor within thirty calendar days  
4           following the first day of vacancy; and

5           (2) If the prior incumbent was not a member of any  
6           political party, the governor, within sixty calendar  
7           days following the first day of vacancy, shall appoint  
8           a person who is not and has not been, for a least six  
9           months immediately prior to the appointment, a  
10           registered member of any political party.

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

13           (1) If it occurs not later than on the tenth day prior to  
14           the close of filing for the next succeeding primary  
15           election, the vacancy shall be filled for the  
16           unexpired term at the next succeeding general  
17           election. The chief election officer shall issue a  
18           proclamation designating the election for filling the  
19           vacancy. All candidates for the unexpired term shall  
20           be nominated and elected in accordance with this  
21           title. Pending the election the governor shall make a  
22           temporary appointment to fill the vacancy and the



1 person [æ] appointed shall serve until the election  
2 of the person duly elected to fill the vacancy. The  
3 [~~appointee shall be of~~] governor shall make the  
4 appointment from a list of three prospective  
5 appointees submitted by the same political party [æ  
6 nonpartisanship] as the [~~person the appointee~~  
7 ~~succeeds.~~] prior incumbent. The prospective  
8 appointees shall be, at the time of appointment, and  
9 shall have been, for at least six months immediately  
10 prior to the appointment, registered members of the  
11 political party. If the prior incumbent was not a  
12 member of any political party, the governor shall  
13 appoint a person who is not and has not been, for at  
14 least six months immediately prior to the appointment,  
15 a registered member of any political party;

- 16 (2) If it occurs later than on the tenth day prior to the  
17 close of filing for the next succeeding primary  
18 election but not later than on the sixtieth day prior  
19 to the next succeeding primary election, or if there  
20 are no qualified candidates for any party or  
21 nonpartisan candidates qualified for the primary  
22 election ballot, nominations for the unexpired term



1 may be filed not later than 4:30 p.m. on the fiftieth  
2 day prior to the next succeeding primary election.

3 The chief election officer shall issue a proclamation  
4 designating the election for filling the vacancy.

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

9 ~~[appointee shall be of]~~ governor shall make the

10 appointment from a list of three prospective

11 appointees submitted by the same political party or

12 nonpartisanship as the [person the appointee

13 succeeds.] prior incumbent. The prospective

14 appointees shall be, at the time of appointment, and

15 shall have been, for at least six months immediately

16 prior to the appointment, registered members of the

17 political party. If the prior incumbent was not a

18 member of any political party, the governor shall

19 appoint a person who is not and has not been, for at

20 least six months immediately prior to the appointment,

21 a registered member of any political party;



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



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 its approval.  
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INTRODUCED BY: Della G. Belatti

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JAN 22 2007

**Report Title:**

Legislative Vacancies

**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.

