

JAN 18 2007

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## A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE V OF THE HAWAII CONSTITUTION  
TO PROVIDE FOR THE ELECTION 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, section 6, of the Constitution of the  
3 State of Hawaii to provide that the attorney general be elected  
4 to office at a nonpartisan special election. Of the fifty  
5 states, fewer than ten have appointed attorney generals.  
6 Presently, the attorney general of Hawaii is nominated and, by  
7 and with the advice and consent of the senate, appointed by the  
8 governor under article V, section 6, of the Constitution of the  
9 State of Hawaii. The election of the attorney general would  
10 insulate decisions from political pressures of the executive  
11 branch, allow independence to investigate and prosecute  
12 wrongdoing in government, and allow the citizenry to have a  
13 direct vote in choosing their legal advocate.

14           SECTION 2. Article V, section 6, of the Constitution of the  
15 State of Hawaii is amended to read as follows:

16                           **"EXECUTIVE AND ADMINISTRATIVE OFFICES**  
17   **AND DEPARTMENTS**



1           **Section 6.** All executive and administrative offices,  
2 departments and instrumentalities of the state government and  
3 their respective powers and duties shall be allocated by law  
4 among and within not more than twenty principal departments in  
5 such a manner as to group the same according to common purposes  
6 and related functions. Temporary commissions or agencies for  
7 special purposes may be established by law and need not be  
8 allocated within a principal department.

9           Each principal department shall be under the supervision of  
10 the governor and, unless otherwise provided in this constitution  
11 or by law, shall be headed by a single executive. [~~Such~~] The  
12 single executive shall be nominated and, by and with the advice  
13 and consent of the senate, appointed by the governor[~~. That~~  
14 ~~person~~] except as otherwise provided for in this section.  
15 Appointed executives shall hold office for a term to expire at  
16 the end of the term for which the governor was elected, unless  
17 sooner removed by the governor[~~, except that the removal of the~~  
18 ~~chief legal officer of the State shall be subject to the advice~~  
19 ~~and consent of the senate~~].

20           The attorney general, the chief legal officer of the State,  
21 shall be elected by the qualified voters of the State at a  
22 nonpartisan special election held in conjunction with the



1 general election. The candidate receiving the highest number of  
2 votes cast shall be deemed elected. In the event of a tie, the  
3 selection of the attorney general shall be as provided by law.

4       Except as otherwise provided in this constitution, whenever  
5 a board, commission or other body shall be the head of a  
6 principal department of the state government, the members  
7 thereof shall be nominated and, by and with the advice and  
8 consent of the senate, appointed by the governor. The term of  
9 office and removal of [~~such~~] members shall be as provided by  
10 law. [~~Such~~] The board, commission or other body may appoint a  
11 principal executive officer who, when authorized by law, may be  
12 an ex officio, voting member thereof, and who may be removed by  
13 a majority vote of the members appointed by the governor.

14       The governor shall nominate and, by and with the advice and  
15 consent of the senate, appoint all officers for whose election  
16 or appointment provision is not otherwise provided for by this  
17 constitution or by law. If the manner or removal of an officer  
18 is not prescribed in this constitution, removal shall be as  
19 provided by law.

20       When the senate is not in session and a vacancy occurs in  
21 any office, appointment to which requires the confirmation of  
22 the senate, the governor may fill the office by granting a



1 commission which shall expire, unless [~~such~~] the appointment is  
2 confirmed, at the end of the next session of the senate. The  
3 person so appointed shall not be eligible for another interim  
4 appointment to [~~such~~] that office if the appointment failed to  
5 be confirmed by the senate.

6 No person who has been nominated for appointment to any  
7 office and whose appointment has not received the consent of the  
8 senate shall be eligible to an interim appointment thereafter to  
9 such office.

10 Every officer appointed under [~~the provisions of~~] this  
11 section shall be a citizen of the United States and shall have  
12 been a resident of this State for at least one year immediately  
13 preceding that person's appointment, except that this residency  
14 requirement shall not apply to the president of the University  
15 of Hawaii.

16 SECTION 3. The question to be printed on the ballot shall  
17 be as follows:

18 "Shall the attorney general, the chief legal officer of the  
19 State of Hawaii, be elected in a nonpartisan special election  
20 held in conjunction with the general election by vote of the  
21 general public instead of being appointed by the governor?"



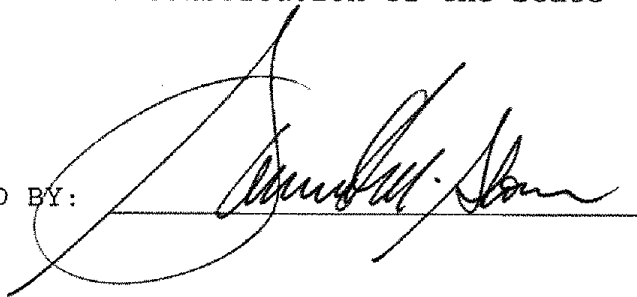
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1           SECTION 4. Constitutional material to be repealed is  
2 bracketed and stricken. New constitutional material is  
3 underscored.

4           SECTION 5. This amendment shall take effect upon compliance  
5 with Article XVII, section 3, of the Constitution of the State  
6 of Hawaii.

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INTRODUCED BY:



**Report Title:**

Attorney General; Elected

**Description:**

Proposes amendment to article V, section 6, of the state constitution to provide that the attorney general be elected rather than appointed by the governor.

