
A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE V, SECTION 6, 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 attorneys general.
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. Election, rather than appointment, of the
10 attorney general would insulate the attorney general's decisions
11 from political pressures of the executive branch, allow
12 independence in investigating and prosecuting wrongdoing in
13 government, and allow the citizenry to have a direct vote in
14 choosing their legal advocate.

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



1 "EXECUTIVE AND ADMINISTRATIVE OFFICES

2 AND DEPARTMENTS

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

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



1 The attorney general, the chief legal officer of the state,
2 shall be elected by the qualified voters of the state at a
3 nonpartisan special election held in conjunction with the
4 general election. The candidate receiving the highest number of
5 votes cast shall be deemed elected. In the event of a tie, the
6 selection of the attorney general shall be as provided by law.

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

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



1 When the senate is not in session and a vacancy occurs in
2 any office, appointment to which requires the confirmation of
3 the senate, the governor may fill the office by granting a
4 commission which shall expire, unless such appointment is
5 confirmed, at the end of the next session of the senate. The
6 person so appointed shall not be eligible for another interim
7 appointment to such office if the appointment failed to be
8 confirmed by the senate.

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

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

19 SECTION 3. The question to be printed on the ballot shall
20 be as follows:

21 "Shall the attorney general, the chief legal officer of the
22 State of Hawaii, be elected in a nonpartisan election held



1 in conjunction with the general election by vote of the
2 general public instead of being appointed by the governor?"

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

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

9 INTRODUCED BY:

[Handwritten signatures]
Nomona Satompu
Mr. [unclear]
Clarence K. [unclear]
[unclear]



Report Title:

Attorney General; Elections

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.

