

JAN 26 2011

S.B. NO. 1187

A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE V, SECTION 6, OF THE HAWAII
STATE 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 of the
4 State of Hawaii be elected from among nonpartisan candidates at
5 a general election, rather than appointed by the governor.

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

8 **"EXECUTIVE AND ADMINISTRATIVE OFFICES AND DEPARTMENTS**

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



1 Each principal department shall be under the supervision of
2 the governor and, unless otherwise provided in this constitution
3 or by law, shall be headed by a single executive. [~~Such~~] The
4 single executive shall be nominated and, by and with the advice
5 and consent of the senate, appointed by the governor[~~—That~~
6 ~~person~~], except as otherwise provided for in this section.
7 Appointed executives shall hold office for a term to expire at
8 the end of the term for which the governor was elected, unless
9 sooner removed by the governor[~~; except that the removal of the~~
10 ~~chief legal officer of the State shall be subject to the advice~~
11 ~~and consent of the senate~~].

12 The attorney general, the chief legal officer of the State,
13 shall be elected by the qualified voters of the State at a
14 general election to a term of four years. Candidates for
15 attorney general shall be nonpartisan. The person receiving the
16 highest number of votes shall be the attorney general. In the
17 event of a tie, the selection of the attorney general shall be
18 as provided by law.

19 Except as otherwise provided in this constitution, whenever
20 a board, commission or other body shall be the head of a
21 principal department of the state government, the members
22 thereof shall be nominated and, by and with the advice and



1 consent of the senate, appointed by the governor. The term of
2 office and removal of such members shall be as provided by law.
3 [~~Such~~] The board, commission or other body may appoint a
4 principal executive officer who, when authorized by law, may be
5 an ex officio, voting member thereof, and who may be removed by
6 a majority vote of the members appointed by the governor.

7 The governor shall nominate and, by and with the advice and
8 consent of the senate, appoint all officers for whose election
9 or appointment provision is not otherwise provided for by this
10 constitution or by law. If the manner [~~of~~] or removal of an
11 officer is not prescribed in this constitution, removal shall be
12 as provided by law.

13 When the senate is not in session and a vacancy occurs in
14 any office, appointment to which requires the confirmation of
15 the senate, the governor may fill the office by granting a
16 commission which shall expire, unless [~~such~~] the appointment is
17 confirmed, at the end of the next session of the senate. The
18 person so appointed shall not be eligible for another interim
19 appointment to [~~such~~] the office if the appointment failed to be
20 confirmed by the senate.

21 No person who has been nominated for appointment to any
22 office and whose appointment has not received the consent of the



1 senate shall be eligible to an interim appointment thereafter to
2 ~~[such]~~ the office.

3 Every officer appointed under ~~[the provisions of]~~ this
4 section shall be a citizen of the United States and shall have
5 been a resident of this State for at least one year immediately
6 preceding that person's appointment, except that this residency
7 requirement shall not apply to the president of the University
8 of Hawaii."

9 SECTION 3. The question to be printed on the ballot shall
10 be as follows:

11 "Shall the attorney general of the State of Hawaii be
12 elected from among nonpartisan candidates at a general
13 election for a term of four years, instead of being
14 appointed by the governor?"

15 SECTION 4. Constitutional material to be repealed is
16 bracketed and stricken. New constitutional material is
17 underscored.

18 SECTION 5. This amendment shall take effect upon
19



1 compliance with article XVII, section 3, of the Constitution of
2 the State of Hawaii.

3

INTRODUCED BY:

Anna Inez K.

Nehille Kelani

[Signature]

[Signature]

[Signature]

W. N. W.

Clarence K. [Signature]

[Signature]

[Signature]



Report Title:

Constitutional Amendment; Elected Attorney General

Description:

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

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

