
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 shall be elected from among nonpartisan
5 candidates at a general election, rather than appointed by the
6 governor.

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

9 **"EXECUTIVE AND ADMINISTRATIVE OFFICES AND DEPARTMENTS**

10 **Section 6.** All executive and administrative offices,
11 departments and instrumentalities of the state government and
12 their respective powers and duties shall be allocated by law
13 among and within not more than twenty principal departments in
14 such a manner as to group the same according to common purposes
15 and related functions. Temporary commissions or agencies for
16 special purposes may be established by law and need not be
17 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 to a term of four years by the qualified voters
14 of the State at a general election. Candidates for attorney
15 general shall be nonpartisan. The person receiving the highest
16 number of votes shall be the attorney general. In the event of
17 a tie, the selection of the attorney general shall be as
18 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 removal of an officer
11 is not prescribed in this constitution, removal shall be as
12 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~~] or
4 elected pursuant to this section shall be a citizen of the
5 United States and shall have been a resident of this State for
6 at least one year immediately preceding that person's
7 appointment, except that this residency requirement shall not
8 apply to the president of the University 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 for a term of four years from among nonpartisan
13 candidates at a general election, 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 compliance with article XVII, section 3, of the Constitution of
20 the State of Hawaii.

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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. (SD1)

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