



EXECUTIVE CHAMBERS  
HONOLULU

NEIL ABERCROMBIE  
GOVERNOR

July 8, 2014

**GOV. MSG. NO. 1304**

The Honorable Donna Mercado Kim,  
President  
and Members of the Senate  
Twenty-Seventh State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

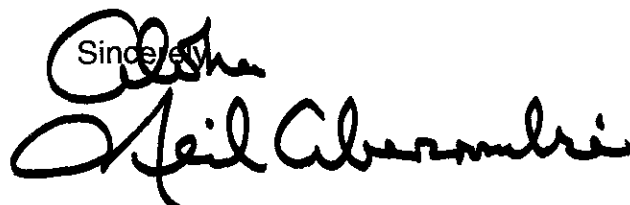
The Honorable Joseph M. Souki,  
Speaker and Members of  
the House of Representatives  
Twenty-Seventh State Legislature  
State Capitol, Room 431  
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

I am transmitting herewith HB1288 HD1 SD1 CD1, without my approval, and with the statement of objections relating to the measure.

HB1288 HD1 SD1 CD1

RELATING TO ORDER OF SUCCESSION

Since  


NEIL ABERCROMBIE  
Governor, State of Hawaii

EXECUTIVE CHAMBERS

HONOLULU

July 8, 2014

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1288

Honorable Members  
Twenty-Seventh Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1288, entitled "A Bill for an Act Relating to Order of Succession."

The purpose of this bill, among other things, is to provide that the individual who will succeed to the office of Lieutenant Governor when the office of the Lieutenant Governor becomes vacant by reason of the Lieutenant Governor becoming Governor, the Lieutenant Governor's failure to qualify, or the Lieutenant Governor's removal from office, death, resignation, or otherwise, will be first the Senate President, provided that the Senate President is of the same political party as the Governor and promptly resigns his or her legislative office. If the Senate President does not meet those criteria, then the Speaker of the House of Representatives will become the Lieutenant Governor if that individual is of the same political party as the Governor and promptly resigns his or her legislative office. If neither is of the same political party as the Governor or promptly resigns their legislative offices, then the Governor may appoint an individual who is a member of the same political party as the Governor and is qualified to hold the office of Lieutenant Governor pursuant to Section 2 of Article V of the Hawaii State Constitution.

This bill is objectionable because this bill does not provide for succession in the situation when the office of the Governor becomes permanently vacant at the same time as the office of the Lieutenant Governor and the Senate President and the Speaker of the House belong to a political party different from that of the Governor. In that situation, there is no one to appoint a member of the same political party as the Governor to be the Lieutenant Governor to act in the Governor's stead, and, of course,

STATEMENT OF OBJECTIONS  
HOUSE BILL NO. 1288  
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there will be no one to succeed to the office of the Governor. This lack of a provision for succession under such circumstances could cause confusion and disrupt the normal functioning of state government activities. This gap in the provisions for order of succession should be remedied.

For the foregoing reason, I am returning House Bill No. 1288 without my approval.

Respectfully,  
  
NEIL ABERCROMBIE  
Governor of Hawaii

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## A BILL FOR AN ACT

RELATING TO ORDER OF SUCCESSION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 26-2, Hawaii Revised Statutes, is  
2 amended as follows:  
3           1. By amending subsections (a) through (c) to read:  
4           " (a) When the office of lieutenant governor is vacant by  
5 reason of the lieutenant governor's becoming governor, or the  
6 lieutenant governor's failure to qualify, or the lieutenant  
7 governor's removal from office, death, resignation, or  
8 otherwise, the powers and duties of the office of lieutenant  
9 governor shall devolve upon the president of the senate;  
10 provided that the president of the senate is of the same  
11 political party as the governor; or, if [there is none] the  
12 president of the senate is not of the same political party as  
13 the governor or upon the president's failure to resign promptly  
14 from all legislative offices held by the president, then upon  
15 the speaker of the house of representatives; provided that the  
16 speaker of the house of representatives is of the same political  
17 party as the governor; or, if [there is none] the speaker of the  
18 house of representatives is not of the same political party as



1 the governor or upon the speaker's failure to resign promptly  
2 from all legislative offices held by the speaker, then [~~upon the~~  
3 ~~attorney general, the director of finance, the comptroller, the~~  
4 ~~director of taxation, and the director of human resources~~  
5 ~~development in the order named, provided that any officer upon~~  
6 ~~whom the powers and duties of the office of lieutenant governor~~  
7 ~~devolve may decline the powers and duties without the officer's~~  
8 ~~resignation from the office by virtue of the holding of which~~  
9 ~~the officer qualifies to act as lieutenant governor, in which~~  
10 ~~event the powers and duties will devolve upon the next officer~~  
11 ~~listed in the order of succession.] upon a person appointed by  
12 the governor who is a member of the same political party as the  
13 governor and is qualified to hold the office of lieutenant  
14 governor pursuant to article V, section 2, of the Hawaii State  
15 Constitution.~~

16 (b) When the lieutenant governor is temporarily absent  
17 from the State or is temporarily disabled, the powers and duties  
18 of the office of the lieutenant governor shall devolve upon [~~the~~  
19 ~~foregoing officers, other than the president of the senate and~~  
20 ~~the speaker of the house,] the attorney general, the director of  
21 finance, the comptroller, the director of taxation, and the  
22 director of human resources development in the order named.~~



1 (c) The powers and duties of any officer [~~acting~~]  
2 designated in subsection (b) to act as lieutenant governor  
3 [~~under this section~~] shall include the powers and duties of the  
4 office of governor when that office is vacant, or when the  
5 governor is absent from the State or is unable to exercise and  
6 discharge the powers and duties of the governor's office, in  
7 addition to the other powers and duties of the lieutenant  
8 governor.

9 No person other than the elected governor or lieutenant  
10 governor shall become governor, provision being made by this  
11 section only for an acting governor."

12 2. By amending subsection (e) to read:

13 "(e) During the period that any officer[~~7~~] under this  
14 section is exercising the powers and performing the duties of  
15 the office of governor or lieutenant governor by reason of a  
16 permanent vacancy therein, and not otherwise, the officer shall  
17 receive the compensation and perquisites of the governor or  
18 lieutenant governor, as the case may be."

19 3. By amending subsection (g) to read:

20 "(g) No officer shall act as [~~governor or~~] lieutenant  
21 governor under subsection [~~(a) or (b) of this section,~~] (b),  
22 unless the officer is eligible to the office of lieutenant



1 governor under the constitution. No officer other than a  
2 legislative officer shall act as governor or lieutenant governor  
3 under this section unless the officer has been appointed and  
4 confirmed prior to the time the powers and duties of the office  
5 of governor or of lieutenant governor devolve upon the officer.  
6 No officer shall act as governor or lieutenant governor under  
7 this section if the officer is under impeachment at the time the  
8 powers and duties of the office of governor or lieutenant  
9 governor devolve upon the officer."

10 SECTION 2. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12 SECTION 3. This Act shall take effect upon its approval.

APPROVED this            day of   , 2014

GOVERNOR OF THE STATE OF HAWAII

