
A BILL FOR AN ACT

RELATING TO MEMBERS OF CONGRESS.

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

1 SECTION 1. The legislature finds that the United States
2 Senate operates under a seniority system that grants privileges
3 to its members who have served the longest. These privileges
4 range from the selection of members' offices to committee
5 assignments. In addition, senate members with longer terms of
6 service on a committee assume senior status and wield more power
7 in the committee. Also, seniority is often considered in
8 awarding committee chair positions.

9 The legislature further finds that it is in the best
10 interest of Hawaii's United States senators to accumulate
11 seniority in office as quickly as possible to ensure that they
12 can successfully represent Hawaii's citizens. One possibility
13 of assisting Hawaii's senatorial delegation in rapidly building
14 seniority is to automatically appoint newly-elected members of
15 the United States Senate to office immediately if the incumbent
16 vacates the office after the general election but prior to the
17 end of the incumbent's term, which is January 3 as established
18 under Section 1 of the Twentieth Amendment to the United States



1 Constitution. This procedure ensures that Hawaii's newly-
2 elected United States Senate members will assume office earlier
3 than the newly-elected members from other states who are
4 required to wait for their respective incumbent's term to
5 expire.

6 The purpose of this Act is to establish a procedure to
7 require the governor to appoint a newly-elected member of the
8 United States Senate, other than the incumbent member, to serve
9 for the remainder of the incumbent's unexpired term when the
10 incumbent member vacates the office after the general election,
11 but prior to the expiration of the incumbent's term.

12 SECTION 2. Section 17-1, Hawaii Revised Statutes, is
13 amended to read as follows:

14 **"§17-1 United States senator.** [~~When~~] (a) Except as
15 otherwise provided in subsection (b), when a vacancy occurs in
16 the office of United States senator, the vacancy shall be filled
17 for the unexpired term at the following state general election;
18 provided that the vacancy occurs not later than 4:30 p.m. on the
19 sixtieth day prior to the primary for nominating candidates to
20 be voted for at the election; otherwise at the state general
21 election next following. The chief election officer shall issue
22 a proclamation designating the election for filling the vacancy.



1 Pending the election, the governor shall make a temporary
2 appointment to fill the vacancy by selecting a person from a
3 list of three prospective appointees submitted by the same
4 political party as the prior incumbent. The appointee shall
5 serve until the election and qualification of the person duly
6 elected to fill the vacancy and shall be, at the time of
7 appointment, and shall have been, for at least six months
8 immediately prior to the appointment, a member of the same
9 political party as the prior incumbent. The appointee shall be
10 a resident of the State. If the prior incumbent was not a
11 member of any political party, the governor shall appoint a
12 person who is not and has not been, for at least six months
13 immediately prior to the appointment, a member of any political
14 party. All candidates for the unexpired term shall be nominated
15 and elected in accordance with this title.

16 (b) Notwithstanding any provision of subsection (a) to the
17 contrary, when:

18 (1) A candidate other than the incumbent is duly elected
19 to the office of United States senator at a general
20 election; and



1 (2) The incumbent vacates the office at any time following
2 the general election but prior to the expiration of
3 the incumbent's term of office;
4 the governor, no later than the next business day after
5 receiving official notice of the vacancy, shall appoint the
6 person duly elected to succeed the incumbent to immediately fill
7 the vacancy for the remainder of the incumbent's unexpired
8 term."

9 SECTION 3. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 4. This Act shall take effect upon its approval.



Report Title:

United States Senate; Members-elect; Vacancy; Appointment

Description:

Establishes a procedure to require the governor to appoint a newly-elected member of the United States Senate, other than the incumbent member, to serve for the remainder of the incumbent's unexpired term when the incumbent member vacates the office after the general election, but prior to the expiration of the incumbent's term. (SD1)

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