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## A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE V, SECTION 6 OF THE HAWAII  
CONSTITUTION TO ELECT THE ATTORNEY GENERAL.

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

1 SECTION 1. The legislature finds that, under the current  
2 law, the attorney general of Hawaii is nominated and, by and  
3 with the advice and consent of the Senate, appointed by the  
4 governor pursuant to article V, section 6, of the Constitution  
5 of the State of Hawaii.

6 The purpose of this Act is to propose an amendment to  
7 article V, section 6, of the Constitution of the State of Hawaii  
8 to provide that the attorney general shall be elected to office  
9 from among nonpartisan candidates in a special election held in  
10 conjunction with a general election every four years.

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

13 "EXECUTIVE AND ADMINISTRATIVE OFFICES

14 AND DEPARTMENTS

15 Section 6. All executive and administrative offices,  
16 departments and instrumentalities of the state government and



1 their respective powers and duties shall be allocated by law  
2 among and within not more than twenty principal departments in  
3 such a manner as to group the same according to common purposes  
4 and related functions. Temporary commissions or agencies for  
5 special purposes may be established by law and need not be  
6 allocated within a principal department.

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

18 The attorney general, the chief legal officer of the State,  
19 shall be elected to a term of four years by the qualified voters  
20 of the State at a special nonpartisan election held every four  
21 years in conjunction with a general election. The person



1 receiving the highest number of votes shall be the attorney  
2 general. If a tie occurs, the selection of the attorney general  
3 shall be as provided by law.

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

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

20       When the senate is not in session and a vacancy occurs in  
21 any office, appointment to which requires the confirmation of



1 the senate, the governor may fill the office by granting a  
2 commission [~~which~~] that shall expire, unless [~~such~~] the  
3 appointment is confirmed, at the end of the next session of the  
4 senate. The person so appointed shall not be eligible for  
5 another interim appointment to [~~such~~] that office if the  
6 appointment failed to be confirmed by the senate.

7 No person who has been nominated for appointment to any  
8 office and whose appointment has not received the consent of the  
9 senate shall be eligible to an interim appointment thereafter to  
10 [~~such~~] that office.

11 Every officer appointed [~~under the provisions of~~] or  
12 elected pursuant to this section shall be a citizen of the  
13 United States and shall have been a resident of this State for  
14 at least one year immediately preceding that person's  
15 appointment[~~7~~] or election, except that this residency  
16 requirement shall not apply to the president of the University  
17 of Hawaii."

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

20 "Shall the attorney general of the State of Hawaii be  
21 elected for a term of four years from among nonpartisan



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1 candidates in a special election held in conjunction with a  
2 general election every four years?"

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.

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INTRODUCED BY: \_\_\_\_\_

**By Request**

JAN 22 2016



# H.B. NO. 1837

**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 shall be elected by voters from among nonpartisan candidates, rather than appointed by the Governor with the advice and consent of the Senate.

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

