
A BILL FOR AN ACT

RELATING TO VACANCIES.

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

1 SECTION 1. Section 11-117, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:
3 "(a) Any candidate may withdraw in writing [~~not~~] no later
4 than 4:30 p.m. on the day immediately following the close of
5 filing for any reason and may withdraw after the close of filing
6 up to 4:30 p.m. on the fiftieth day [~~prior to~~] before an
7 election for reasons of ill health. Any candidate may withdraw
8 after the close of filing but no later than the seventy-fifth
9 day before the next general election to fill a vacancy
10 contemplated by sections 17-3 or 17-4. When a candidate
11 withdraws for ill health, the candidate shall give notice in
12 writing to the chief election officer if the candidate was
13 seeking a congressional or state office, or the candidate shall
14 give notice in writing to the county clerk if the candidate was
15 seeking a county office. The notice shall be accompanied by a
16 statement from a licensed physician or physician assistant



1 indicating that such ill health may endanger the candidate's
2 life.

3 A candidate who withdraws the candidate's own nomination
4 papers [~~prior to~~] before the close of filing shall not be
5 considered to have caused a vacancy that may be filled by a
6 party under section 11-118."

7 SECTION 2. Section 17-3, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "**§17-3 State senator.** (a) Whenever any vacancy in the
10 membership of the state senate occurs, the term of which ends at
11 the next succeeding general election:

12 (1) The governor shall make an appointment within sixty
13 calendar days following the first day of vacancy to
14 fill the vacancy for the unexpired term by selecting a
15 person from a list of three prospective appointees
16 submitted by the same political party as the prior
17 incumbent. The appointee shall be at the time of
18 appointment, and for at least six months immediately
19 [~~prior to~~] before the appointment, a member of the
20 political party. The appointee shall, at the time of
21 appointment, be a resident of the same senate district



1 as the prior incumbent. The political party shall
2 submit the list of prospective appointees to the
3 governor within thirty calendar days following the
4 first day of vacancy; and

5 (2) If the prior incumbent was not a member of any
6 political party, the governor shall, within sixty
7 calendar days following the first day of vacancy,
8 appoint a person who is at the time of appointment a
9 resident of the same senate district as the prior
10 incumbent and who is not, and has not been for at
11 least six months [~~prior to~~] before the appointment, a
12 member of any political party.

13 (b) In the case of a vacancy, the term of which does not
14 end at the next succeeding general election:

15 (1) If it occurs [~~not~~] no later than on the tenth day
16 [~~prior to~~] before the close of filing for the next
17 succeeding primary election, as specified in section
18 12-6, the vacancy shall be filled for the unexpired
19 term at the next succeeding general election. The
20 chief election officer shall issue a proclamation
21 designating the election for filling the vacancy.



1 Notwithstanding any law to the contrary, all
2 candidates for the unexpired term shall file
3 nomination papers no later than the date and time
4 specified in section 12-6 for the next succeeding
5 primary election. All candidates for the unexpired
6 term shall be nominated and elected in accordance with
7 this title. Pending the election, the governor shall
8 make a temporary appointment to fill the vacancy, and
9 the person so appointed shall serve until the election
10 of the person duly elected to fill the vacancy. The
11 governor shall make the appointment from a list of
12 three prospective appointees submitted by the same
13 political party as the prior incumbent. The appointee
14 shall be, at the time of the appointment, and shall
15 have been, for at least six months immediately [~~prior~~
16 ~~to~~] before the appointment, a member of the political
17 party. The appointee shall, at the time of
18 appointment, be a resident of the same senate district
19 as the prior incumbent. If the prior incumbent was
20 not a member of any political party, the governor
21 shall appoint a person who is at the time of



1 appointment a resident of the same senate district as
2 the prior incumbent and is not and has not been, for
3 at least six months immediately [~~prior to~~] before the
4 appointment, a member of any political party;

5 [~~(2)~~] ~~If it occurs later than on the tenth day prior to the~~
6 ~~close of filing for the next succeeding primary~~
7 ~~election but not later than on the sixtieth day prior~~
8 ~~to the next succeeding primary election, or if there~~
9 ~~are no qualified candidates for any party or~~
10 ~~nonpartisan candidates qualified for the primary~~
11 ~~election ballot, nominations for the unexpired term~~
12 ~~may be filed not later than 4:30 p.m. on the fiftieth~~
13 ~~day prior to the next succeeding primary election.~~
14 ~~The chief election officer shall issue a proclamation~~
15 ~~designating the election for filling the vacancy.~~
16 ~~Pending the election the governor shall make a~~
17 ~~temporary appointment to fill the vacancy and the~~
18 ~~person appointed shall serve until the election of the~~
19 ~~person duly elected to fill the vacancy. The governor~~
20 ~~shall make the appointment from a list of three~~
21 ~~prospective appointees submitted by the same political~~



1 ~~party as the prior incumbent. The appointee shall be,~~
 2 ~~at the time of the appointment, and shall have been,~~
 3 ~~for at least six months immediately prior to the~~
 4 ~~appointment, a member of the political party. The~~
 5 ~~appointee shall, at the time of appointment, be a~~
 6 ~~resident of the same senate district as the prior~~
 7 ~~incumbent. If the prior incumbent was not a member of~~
 8 ~~any political party, the governor shall appoint a~~
 9 ~~person who is at the time of appointment a resident of~~
 10 ~~the same senate district as the prior incumbent and is~~
 11 ~~not and has not been, for at least six months~~
 12 ~~immediately prior to the appointment, a member of any~~
 13 ~~political party;~~

14 ~~(3)]~~ (2) If it occurs ~~[after the sixtieth day prior to the~~
 15 ~~next succeeding primary]~~ later than on the tenth day
 16 before the close of filing for the next succeeding
 17 primary election, as specified in section 12-6, but
 18 ~~[not]~~ no later than on the ~~[fiftieth]~~ ninety-fifth day
 19 ~~[prior to]~~ before the next succeeding general
 20 election, or if there are no qualified candidates for
 21 any party or nonpartisan candidates in the primary,



1 the vacancy shall be filled for the unexpired term at
2 the next succeeding general election. The chief
3 election officer shall issue a proclamation
4 designating the election for filling the vacancy.
5 Each candidate shall fill out an application for
6 nomination papers, sign the proper certification on
7 the nomination papers, and take either an oath or
8 affirmation as provided by law. Party candidates for
9 the unexpired senate term shall be nominated by the
10 county committees of the parties [~~not~~]. The chief
11 elections officer shall be notified of the
12 nominations, and the nomination papers of the party
13 candidates shall be filed no later than 4:30 p.m. on
14 the [~~fortieth~~] seventy-fifth day [~~prior to~~] before the
15 general election[; ~~nonpartisan~~]. Nonpartisan
16 candidates may file nomination papers for the
17 unexpired term [~~not~~] no later than 4:30 p.m. on the
18 [~~fortieth~~] seventy-fifth day [~~prior to~~] before the
19 general election with the nonpartisan candidate who is
20 to be nominated to be decided by lot, under the
21 supervision of the chief election officer. The



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



1 [~~(4)~~] (3) If it occurs after the [~~fiftieth~~] ninety-fifth
2 day [~~prior to~~] before the next succeeding general
3 election or if no candidates are nominated, the
4 governor shall make an appointment to fill the vacancy
5 for the unexpired term by selecting a person from a
6 list of three prospective appointees submitted by the
7 same political party as the prior incumbent. The
8 appointee shall be, at the time of the appointment,
9 and shall have been, for at least six months
10 immediately [~~prior to~~] before the appointment, a
11 member of the political party. The appointee shall,
12 at the time of appointment, be a resident of the same
13 senate district as the prior incumbent. If the prior
14 incumbent was not a member of any political party, the
15 governor shall appoint a person who is at the time of
16 appointment a resident of the same senate district as
17 the prior incumbent and is not and has not been, for
18 at least six months immediately [~~prior to~~] before the
19 appointment, a member of any political party."

20 SECTION 3. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 4. This Act, upon its approval, shall take effect
2 retroactive to June 17, 2020.



S.B. NO. 2139
H.D. 1

Report Title:

Office of Elections Package; Candidates; Withdrawal; State
Legislature; Vacancies

Description:

Amends the deadline for candidates to withdraw in order to fill
a state legislative vacancy. Amends filing deadlines for
candidates attempting to fill vacant state senate seats.
Effective retroactively to 6/17/2020. (HD1)

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

SB2139 HD1 HMS 2020-2181

