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## A BILL FOR AN ACT

RELATING TO VACANCIES.

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

1       SECTION 1.   Section 17-3, Hawaii Revised Statutes, is  
2   amended to read as follows:

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

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



1 governor within thirty calendar days following the  
2 first day of vacancy; and

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

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

13 (1) If it occurs not later than on the tenth day prior to  
14 the close of filing for the next succeeding primary  
15 election, as specified in section 12-6, the vacancy  
16 shall be filled for the unexpired term at the next  
17 succeeding general election. The chief election  
18 officer shall issue a proclamation designating the  
19 election for filling the vacancy. Notwithstanding any  
20 law to the contrary, all candidates for the unexpired  
21 term shall file nomination papers not later than the



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



1 at least six months immediately prior to the  
2 appointment, a member of any political party;

3 ~~[(2) If it occurs later than on the tenth day prior to the~~  
4 ~~close of filing for the next succeeding primary~~  
5 ~~election but not later than on the sixtieth day prior~~  
6 ~~to the next succeeding primary election, or if there~~  
7 ~~are no qualified candidates for any party or~~  
8 ~~nonpartisan candidates qualified for the primary~~  
9 ~~election ballot, nominations for the unexpired term~~  
10 ~~may be filed not later than 4:30 p.m. on the fiftieth~~  
11 ~~day prior to the next succeeding primary election.~~

12 ~~The chief election officer shall issue a proclamation~~  
13 ~~designating the election for filling the vacancy.~~

14 ~~Pending the election the governor shall make a~~  
15 ~~temporary appointment to fill the vacancy and the~~  
16 ~~person appointed shall serve until the election of the~~  
17 ~~person duly elected to fill the vacancy. The governor~~  
18 ~~shall make the appointment from a list of three~~  
19 ~~prospective appointees submitted by the same political~~  
20 ~~party as the prior incumbent. The appointee shall be,~~  
21 ~~at the time of the appointment, and shall have been,~~



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

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



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



1        nonpartisan candidate decided by lot shall be filed in  
2        writing not later than 4:30 p.m. on the sixtieth day  
3        or the next earliest working day prior to the general  
4        election and decided in conformance with section 12-8.

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



1 immediately prior to the appointment, a member of any  
2 political party;

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





# H.B. NO. 198

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

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

4

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

*Sam*

By Request

JAN 21 2021



# H.B. NO. 198

**Report Title:**

Office of Elections Package; Vacancies; State Senator

**Description:**

Amends the manner in which a vacancy in the membership of the State Senate is filled and certain time frames relevant thereto.

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

