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## A BILL FOR AN ACT

RELATING TO VACANCIES.

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

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

"§17-2 **United States representative**~~[-]~~; **state senator**; **state representative**. When a vacancy occurs in the ~~representation~~:"

(1) Representation of this State in the United States House of Representatives~~[-]~~;

(2) Membership of the state senate; or

(3) Membership of the state house of representatives,

the chief election officer shall issue a proclamation for an election to fill the vacancy. The proclamation shall be issued ~~[not]~~ no later than on the sixtieth day ~~[prior to]~~ before the election to fill the vacancy and shall contain the date, time, and places where the special election is to be held, the time within which nomination papers shall be filed, the time for transmitting to county clerks the notice designating the offices for which candidates are to be elected, the time for



## H.B. NO. 1259

1 transmitting to county clerks lists of candidates to be voted  
2 for at the special election, and ~~[such]~~ any other ~~[matter]~~  
3 matters as provided for in section 11-91 ~~[and which]~~ that are  
4 not inconsistent with this section. The special election shall  
5 be conducted and the results ascertained so far as practicable,  
6 in accordance with this title."

7 SECTION 2. Section 17-3, Hawaii Revised Statutes, is  
8 repealed.

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 the appointment, a member of the political~~  
20 ~~party. The appointee shall, at the time of~~  
21 ~~appointment, be a resident of the same senate district~~



## H.B. NO. 1259

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 the appointment, a member of~~  
12       ~~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 later than on the tenth day prior to~~  
16       ~~the close of filing for the next succeeding primary~~  
17       ~~election, the vacancy shall be filled for the~~  
18       ~~unexpired term at the next succeeding general~~  
19       ~~election. The chief election officer shall issue a~~  
20       ~~proclamation designating the election for filling the~~  
21       ~~vacancy. All candidates for the unexpired term shall~~



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



## H.B. NO. 1259

~~(2) If it occurs later than on the tenth day prior to the  
close of filing for the next succeeding primary  
election but not later than on the sixtieth day prior  
to the next succeeding primary election, or if there  
are no qualified candidates for any party or  
nonpartisan candidates qualified for the primary  
election ballot, nominations for the unexpired term  
may be filed not later than 4:30 p.m. on the fiftieth  
day prior to the next succeeding primary election.  
The chief election officer shall issue a proclamation  
designating the election for filling the vacancy.  
Pending the election the governor shall make a  
temporary appointment to fill the vacancy and the  
person appointed shall serve until the election of the  
person duly elected to fill the vacancy. The governor  
shall make the appointment from a list of three  
prospective appointees submitted by the same political  
party as the prior incumbent. The appointee shall be,  
at the time of the appointment, and shall have been,  
for at least six months immediately prior to the  
appointment, a member of the political party. The~~



**H.B. NO. 1259**

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

10 ~~(3) If it occurs after the sixtieth day prior to the next~~  
11 ~~succeeding primary but not later than on the fiftieth~~  
12 ~~day prior to the next succeeding general election, or~~  
13 ~~if there are no qualified candidates for any party or~~  
14 ~~nonpartisan candidates in the primary, the vacancy~~  
15 ~~shall be filled for the unexpired term at the next~~  
16 ~~succeeding general election. The chief election~~  
17 ~~officer shall issue a proclamation designating the~~  
18 ~~election for filling the vacancy. Party candidates~~  
19 ~~for the unexpired senate term shall be nominated by~~  
20 ~~the county committees of the parties not later than~~  
21 ~~4:30 p.m. on the fortieth day prior to the general~~



## H.B. NO. 1259

1        ~~election; nonpartisan candidates may file nomination~~  
2        ~~papers for the unexpired term not later than 4:30 p.m.~~  
3        ~~on the fortieth day prior to the general election with~~  
4        ~~the nonpartisan candidate who is to be nominated to be~~  
5        ~~decided by lot, under the supervision of the chief~~  
6        ~~election officer. The candidates for the unexpired~~  
7        ~~term shall be elected in accordance with this title.~~  
8        ~~Pending the election, the governor shall make a~~  
9        ~~temporary appointment to fill the vacancy, and the~~  
10       ~~person appointed shall serve until the election of the~~  
11       ~~person duly elected to fill the vacancy. The governor~~  
12       ~~shall make the appointment from a list of three~~  
13       ~~prospective appointees submitted by the same political~~  
14       ~~party as the prior incumbent. The appointee shall be,~~  
15       ~~at the time of the appointment, and shall have been,~~  
16       ~~for at least six months immediately prior to the~~  
17       ~~appointment, a member of the political party. The~~  
18       ~~appointee shall, at the time of appointment, be a~~  
19       ~~resident of the same senate district as the prior~~  
20       ~~incumbent. If the prior incumbent was not a member of~~  
21       ~~any political party, the governor shall appoint a~~



## H.B. NO. 1259

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

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

5           ~~[ "**\$17-4 State representatives.** (a) Whenever any vacancy~~  
6   ~~in the membership of the state house of representatives occurs,~~  
7   ~~the governor shall make an appointment within sixty calendar~~  
8   ~~days following the first day of vacancy to fill the vacancy for~~  
9   ~~the unexpired term by selecting a person from a list of three~~  
10   ~~prospective appointees submitted by the same political party as~~  
11   ~~the prior incumbent. The appointee shall be, at the time of~~  
12   ~~appointment, and shall have been, for at least six months~~  
13   ~~immediately prior to the appointment, a member of the political~~  
14   ~~party. The appointee shall, at the time of appointment, be a~~  
15   ~~resident of the same state representative district as the prior~~  
16   ~~incumbent. The political party shall submit the list of~~  
17   ~~prospective appointees to the governor within thirty calendar~~  
18   ~~days following the first day of vacancy.~~

19           ~~(b) If the prior incumbent was not a member of any~~  
20   ~~political party, the governor, within sixty calendar days~~  
21   ~~following the first day of vacancy, shall appoint a person who~~



# H.B. NO. 1259

1 ~~is at the time of appointment a resident of the same state~~  
2 ~~representative district as the prior incumbent and is not and~~  
3 ~~has not been, for at least six months immediately prior to the~~  
4 ~~appointment, a member of any political party."]~~

5 SECTION 4. This Act does not affect rights and duties that  
6 matured, penalties that were incurred, and proceedings that were  
7 begun before its effective date.

8 SECTION 5. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

10 SECTION 6. This Act shall take effect upon its approval.

11  
INTRODUCED BY:

  
JAN 27 2021



# H.B. NO. 1259

**Report Title:**

Elections; Vacancies; State Senators; State Representatives

**Description:**

Requires vacancies in the offices of state senator and state representative to be filled by special election.

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

