



# GOV. MSG. NO. 768

## EXECUTIVE CHAMBERS KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA

October 9, 2024

The Honorable Scott K. Saiki  
Speaker of the House of Representatives  
Thirty-Second Legislature  
Hawai'i State Capitol, Room 431  
Honolulu, HI 96813

Aloha Speaker Saiki:

Upon further review, the appointment of Mr. Kusch pursuant to section 17-4 (a), Hawai'i Revised Statutes is only for the current term in the Thirty-Second State Legislature.

The Attorney General has conducted additional legal review and determined that the current appointment is for the remainder of the term for House District 1 that ends November 5th, 2024. Pursuant to Hawai'i Revised Statutes section 12-41(a), a candidate unopposed in the general election is to be declared duly and legally elected following the primary election. As a result, the late Rep. Nakashima was posthumously re-elected to a new term starting November 5, 2024.

This has created unique circumstances for the representation of House District 1. An additional appointment process must be completed after November 5, 2024, for the next term of House District 1. Pursuant to Article III, section 4 of the Hawai'i State Constitution, the vacancy process for filling this seat must be conducted in accordance with HRS Section 17-4. Unfortunately, this process cannot begin until after the general election on November 5th, 2024. I am hopeful that the Democratic Party and district council can proceed expeditiously and promptly execute the selection process without delay.

The Honorable Scott K. Saiki

October 9, 2024

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Thank you for your understanding with the matter. I am grateful for Mr. Kusch's willingness to serve through the remainder of the current term. The Democratic Party of Hawai'i will have to conduct its process to identify names who would best serve House District 1.

Mahalo,

A handwritten signature in black ink, appearing to read "Josh Green".

Josh Green, M.D.

Governor, State of Hawai'i

- c: The Honorable Scott K. Saiki, Speaker of the House of Representatives, State of Hawai'i  
The Honorable Ronald D. Kouchi, President of the Senate, State of Hawai'i  
Mr. Derek Turbin, Chairperson, Democratic Party of Hawai'i