

JAN 15 2025

A BILL FOR AN ACT

RELATING TO STATE LEGISLATIVE VACANCIES.

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

1 SECTION 1. Chapter 17, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§17- State legislators; alternative appointments. (a)

5 If the governor fails to appoint an individual to fill a vacancy
6 in the membership of the state senate by any applicable deadline
7 established by section 17-3, the president of the senate,
8 within calendar days after the expiration of the deadline,
9 shall appoint an individual to fill the vacancy; provided that
10 the appointed individual shall meet the applicable requirements
11 of section 17-3.

12 (b) If the governor fails to appoint an individual to fill
13 a vacancy in the membership of the state house of
14 representatives by any applicable deadline established by
15 section 17-4, the speaker of the house of representatives,
16 within calendar days after the expiration of the deadline,
17 shall appoint an individual to fill the vacancy; provided that



1 the appointed individual shall meet the applicable requirements
2 of section 17-4."

3 SECTION 2. Section 17-3, Hawaii Revised Statutes, is
4 amended by amending subsection (b) to read as follows:

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

7 (1) If it occurs not later than on the tenth day prior to
8 the close of filing for the next succeeding primary
9 election, the vacancy shall be filled for the
10 unexpired term at the next succeeding general
11 election. The chief election officer shall issue a
12 proclamation designating the election for filling the
13 vacancy. All candidates for the unexpired term shall
14 be nominated and elected in accordance with this
15 title. Pending the election, within _____ calendar
16 days following the first day of vacancy, the governor
17 shall make a temporary appointment to fill the
18 vacancy, and the person so appointed shall serve until
19 the election of the person duly elected to fill the
20 vacancy. The governor shall make the appointment from
21 a list of three prospective appointees submitted by



1 the same political party as the prior incumbent. The
2 appointee shall be, at the time of the appointment,
3 and shall have been, for at least six months
4 immediately prior to the appointment, a member of the
5 political party. The appointee shall, at the time of
6 appointment, be a resident of the same senate district
7 as the prior incumbent. The political party shall
8 submit the list of prospective appointees to the
9 governor within _____ calendar days following the
10 first day of vacancy. If the prior incumbent was not
11 a member of any political party, the governor shall
12 appoint a person who is at the time of appointment a
13 resident of the same senate district as the prior
14 incumbent and is not and has not been, for at least
15 six months immediately prior to the appointment, a
16 member of any political party;

- 17 (2) If it occurs later than on the tenth day prior to the
18 close of filing for the next succeeding primary
19 election but not later than on the sixtieth day prior
20 to the next succeeding primary election, or if there
21 are no qualified candidates for any party or



1 nonpartisan candidates qualified for the primary
2 election ballot, nominations for the unexpired term
3 may be filed not later than 4:30 p.m. on the fiftieth
4 day prior to the next succeeding primary election.
5 The chief election officer shall issue a proclamation
6 designating the election for filling the vacancy.
7 Pending the election, within _____ calendar days
8 following the first day of vacancy, the governor shall
9 make a temporary appointment to fill the vacancy and
10 the person appointed shall serve until the election of
11 the person duly elected to fill the vacancy. The
12 governor shall make the appointment from a list of
13 three prospective appointees submitted by the same
14 political party as the prior incumbent. The appointee
15 shall be, at the time of the appointment, and shall
16 have been, for at least six months immediately prior
17 to the appointment, a member of the political party.
18 The appointee shall, at the time of appointment, be a
19 resident of the same senate district as the prior
20 incumbent. The political party shall submit the list
21 of prospective appointees to the governor



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

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



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



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

- 9 (4) If it occurs after the fiftieth day prior to the next
10 succeeding general election or if no candidates are
11 nominated, within calendar days following the
12 first day of vacancy, the governor shall make an
13 appointment to fill the vacancy for the unexpired term
14 by selecting a person from a list of three prospective
15 appointees submitted by the same political party as
16 the prior incumbent. The appointee shall be, at the
17 time of the appointment, and shall have been, for at
18 least six months immediately prior to the appointment,
19 a member of the political party. The appointee shall,
20 at the time of appointment, be a resident of the same
21 senate district as the prior incumbent. The political



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

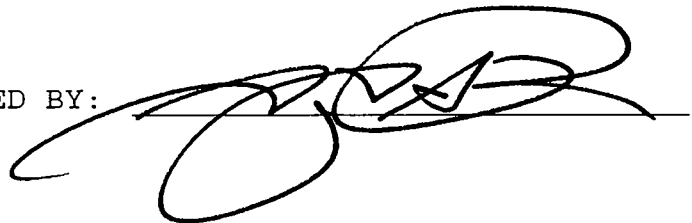
10 SECTION 3. This Act does not affect rights and duties that
11 matured, penalties that were incurred, and proceedings that were
12 begun before its effective date.

13 SECTION 4. New statutory material is underscored.

14 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is highly cursive and difficult to decipher, but appears to be a name with a prominent initial.

S.B. NO. 300

Report Title:

Legislature; Senators; Representatives; Vacancies; Governor

Description:

Establishes unspecified deadlines for the governor to appoint, and for political parties to nominate, individuals to fill certain state senatorial vacancies. Provides that if the Governor fails to appoint an individual to fill a state legislative vacancy by an applicable statutory deadline, the President of the Senate or the Speaker of the House of Representatives shall make the appointment within an unspecified number of calendar days after the deadline.

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

