

JAN 15 2025

A BILL FOR AN ACT

RELATING TO LEGISLATIVE VACANCIES.

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

1 SECTION 1. Section 17-3, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) Whenever any vacancy in the membership of the state
4 senate occurs, the term of which ends at the next succeeding
5 general election:

6 (1) ~~[The]~~ Except as provided in paragraph (3), the
7 governor shall make an appointment within sixty
8 calendar days following the first day of vacancy 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
13 appointment, and for at least six months immediately
14 prior to the appointment, a member of the political
15 party. The appointee shall, at the time of
16 appointment, be a resident of the same senate district
17 as the prior incumbent. The political party shall



1 submit the list of prospective appointees to the
 2 governor within thirty calendar days following the
 3 first day of vacancy; ~~and~~

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

12 (3) If the vacancy occurs due to the death or permanent
 13 incapacitation of the prior incumbent before a primary
 14 election, but after the close of filing for that
 15 election, and the prior incumbent was the only person
 16 whose name appeared on any ballot for that seat for
 17 that election, the governor's appointment shall be
 18 valid for both the unexpired term and the next
 19 succeeding term."

20 SECTION 2. Section 17-4, Hawaii Revised Statutes, is
 21 amended to read as follows:

1 "**§17-4 State representatives.** (a) [~~Whenever~~] Except as
2 provided in subsection (c), whenever any vacancy in the
3 membership of the state house of representatives occurs, the
4 governor shall make an appointment within sixty calendar days
5 following the first day of vacancy to fill the vacancy for the
6 unexpired term by selecting a person from a list of three
7 prospective appointees submitted by the same political party as
8 the prior incumbent. The appointee shall be, at the time of
9 appointment, and shall have been, for at least six months
10 immediately prior to the appointment, a member of the political
11 party. The appointee shall, at the time of appointment, be a
12 resident of the same state representative district as the prior
13 incumbent. The political party shall submit the list of
14 prospective appointees to the governor within thirty calendar
15 days following the first day of vacancy.

16 (b) [~~If~~] Except as provided in subsection (c), if the
17 prior incumbent was not a member of any political party, the
18 governor, within sixty calendar days following the first day of
19 vacancy, shall appoint a person who is at the time of
20 appointment a resident of the same state representative district
21 as the prior incumbent and is not and has not been, for at least



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

3 (c) If the vacancy occurs due to the death or permanent
4 incapacitation of the prior incumbent before a primary election,
5 but after the close of filing for that election, and the prior
6 incumbent was the only person whose name appeared on any ballot
7 for that seat for that election, the governor's appointment
8 shall be valid for both the unexpired term and the next
9 succeeding term."

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. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: *Joseph P. Snow*



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Report Title:

Legislature; Senators; Representatives; Vacancies; Appointments

Description:

Provides that if a state legislative vacancy occurs due to the death or permanent incapacitation of the prior incumbent before a primary election, but after the close of filing for that election, and the prior incumbent was the only person whose name appeared on any ballot for that seat for that election, the Governor's appointment of a replacement shall be valid for both the unexpired term and the next succeeding term.

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