THE SENATE THIRTY-THIRD LEGISLATURE, 2025 STATE OF HAWAII

S.B. NO. 5

JAN 15 2025

A BILL FOR AN ACT

RELATING TO LEGISLATIVE VACANCIES.

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

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

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

6 [The] Except as provided in paragraph (3), the (1) 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 party. The appointee shall, at the time of 15 16 appointment, be a resident of the same senate district 17 as the prior incumbent. The political party shall



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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)	$[\pm f]$ 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:	



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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.

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



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six months immediately prior to the appointment, a member of any
 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 <u>succeeding term.</u>"

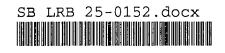
SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

13 SECTION 4. Statutory material to be repealed is bracketed14 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: Tracae & Monge



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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.

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

