

ACT 11

An Act Relating to Special Elections and Amending Section 11-2 and 11-3 of the Revised Laws of Hawaii 1955.

Be it Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 11-2 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"Sec. 11-2. Vacancy in the Legislature. Whenever any vacancy in the membership of the Legislature occurs, the governor shall call a special election in any senatorial or representative district in which the vacancy occurs, or shall direct that the vacancy shall be filled for the unexpired term at the next general election, as provided in this section.

In case a person elected at a special election could, upon taking office, exercise the functions thereof at a session of the Legislature after his election, then the following procedure shall be observed. Whenever any vacancy occurs which is sixty days prior to a session of the Legislature then the governor, within ten days after receipt of information that the vacancy has occurred, shall issue his proclamation calling for a special primary and special general election. The special primary election to be held at least twenty days and no more than thirty days after the issuance of the proclamation and the special general election to be held at least twenty days and no more than thirty days after the special primary election. Whenever any vacancy occurs which is within the sixty days period prior to the session or during the session then the governor, within ten days after receipt of information that the vacancy has occurred, shall issue his proclamation calling for a special election. In the event the governor calls a special session and the ten day period since the vacancy has expired, then he shall forthwith issue a proclamation for a special election. The special election to be held at least ten days and no more than twenty days after the issuance of the proclamation and shall be governed by the laws relating to general elections and matters pertaining thereto, respectively, so long as such laws are applicable.

In the event that there is no session of the Legislature in which the person could serve upon election before the next primary and general election, then the governor shall not issue a proclamation that the vacancy be filled at a special election, but shall issue a proclamation that the vacancy be filled at the next primary and general election.

SECTION 2. Section 11-3 of the Revised Laws of Hawaii 1955, as amended, is hereby amended by deleting the words "secretary of the territory" wherever it appears in said section and substituting the words "lieutenant governor of the state" and by deleting the first paragraph thereof and substituting the following:

At any special election no person shall be permitted to stand as a candidate for election to the legislature unless he shall be nominated and so requested in writing, signed by not less than twenty-five duly qualified electors in the district in which an election is ordered, and in which he is requested to be a candidate. Whenever a special primary election shall be held, then the nomination shall, except as hereinafter provided, be deposited with the lieutenant governor of the state no less

than fifteen days before the day of the special primary election, except on the island of Oahu, where the nomination shall be deposited not less than ten days before the day of the special primary election. Whenever any vacancy is to be filled by a special election only, then the nomination shall be deposited with the lieutenant governor of the state not less than seven days before the day of the special election.

SECTION 3. This Act shall take effect upon its approval.

(Approved November 13, 1959.) **S.B. 16.**
