

ACT 100

An Act Providing for Filling Vacancies in the Legislature, Amending Section 11-2, Revised Laws of Hawaii 1955, as Amended, and Repealing Section 11-3, Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Section 11-2 of the Revised Laws of Hawaii 1955, as amended, is hereby amended by deleting the entire section and substituting in lieu thereof the following:

“(a) Whenever any vacancy in the membership of the house of representatives occurs, the governor shall make an appointment to fill

the vacancy for the unexpired term and such appointee shall be of the same political party as the person he succeeds.

(b) Whenever any vacancy in the membership of the senate occurs, the term of which ends at the next succeeding general election, the governor shall make an appointment to fill the vacancy for the unexpired term and such appointee shall be of the same political party as the person he succeeds.

In the case of a vacancy, the term of which does not end at the next succeeding general election:

(1) If it occurs forty days or more prior to the next succeeding primary election, such vacancy shall be filled for the unexpired term at the next succeeding general election. The governor shall issue a proclamation designating the election for filling such vacancy. All candidates for such unexpired term shall be nominated and elected in accordance with the provisions of this chapter. Pending such election the governor shall make a temporary appointment to fill the vacancy and the person so appointed shall serve until the election of the person duly elected to fill such vacancy. Such appointee shall be of the same political party as the person he succeeds.

(2) If it occurs less than forty days prior to the next succeeding primary but ten or more days prior to the next succeeding general election, such vacancy shall be filled for the unexpired term at the next succeeding general election. The governor shall issue a proclamation designating the election for filling such vacancy. All candidates for such unexpired senate term shall be nominated by the county committees of the parties and elected in accordance with the provisions of this chapter. Pending such election the governor shall make a temporary appointment to fill the vacancy and the person so appointed shall serve until the election of the person duly elected to fill such vacancy. Such appointee shall be of the same political party as the person he succeeds.

(3) If it occurs less than ten days prior to the next succeeding general election, the governor shall make an appointment to fill the vacancy for the unexpired term and such appointee shall be of the same political party as the person he succeeds."

SECTION 2. Section 11-3 of the Revised Laws of Hawaii 1955, as amended, is hereby repealed in its entirety.

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

(Approved May 29, 1963.) **S.B. 419.**
