

ACT 214

H.B. NO. 1646

A Bill for an Act Relating to Members of Congress.

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

SECTION 1. The legislature finds that the United States Congress operates on a seniority system of granting privileges to its members (senators and representatives) who have served the longest. Those privileges range from the selection of members' offices to committee assignments. In addition, members

with a longer term of service on a committee assume senior status and wield more power in the committee. Seniority is also often considered in awarding committee chair positions.

The legislature further finds that it is in the best interest of the State for Hawaii's congressional delegation to accumulate seniority in office as quickly as possible to ensure that the delegation can successfully represent Hawaii's citizens. One possibility of assisting Hawaii's delegation in rapidly building seniority would be to automatically appoint newly-elected United States senators to office immediately if the incumbent vacates the office after the general election but prior to the end of the incumbent's term, which is January 3 as established under Section 1 of the Twentieth Amendment to the United States Constitution. Under those circumstances, an automatic procedure would be in place to ensure that Hawaii's newly-elected United States senators will assume office earlier than newly-elected senators from other states who must wait for the incumbent's term to expire.

The purpose of this Act is to establish an automatic procedure that allows Hawaii's newly-elected United States senators, under certain circumstances, to begin their terms of office with greater seniority that maximizes their ability to represent this State, by providing that when a candidate other than the incumbent is elected to the office of United States senator, and the incumbent vacates the office prior to the expiration of the incumbent's term, the governor must appoint the member-elect to immediately fill the vacancy.

SECTION 2. Section 17-1, Hawaii Revised Statutes, is amended to read as follows:

“§17-1 United States senator. ~~[When]~~ (a) Except as provided in subsection (b), when a vacancy occurs in the office of United States senator, the vacancy shall be filled for the unexpired term at the following state general election; provided that the vacancy occurs not later than 4:30 p.m. on the twenty-first day prior to the date specified in section 12-6 for the close of filing nomination papers for regularly scheduled elections; otherwise at the state general election next following. The chief election officer shall issue a proclamation designating the election for filling the vacancy. All candidates for the unexpired term shall file nomination papers not later than the date and time specified in section 12-6 and shall be nominated and elected in accordance with this title. Pending the election, the governor shall make a temporary appointment to fill the vacancy by selecting a person from a list of three prospective appointees submitted by the same political party as the prior incumbent. The appointee shall serve until the election and qualification of the person duly elected to fill the vacancy and shall be, at the time of appointment, and shall have been, for at least six months immediately prior to the appointment, a member of the same political party as the prior incumbent. The appointee shall be a resident of the State. If the prior incumbent was not a member of any political party, the governor shall appoint a person who is not and has not been, for at least six months immediately prior to the appointment, a member of any political party.

(b) Subsection (a) notwithstanding, when:

- (1) A candidate other than the incumbent is duly elected to the office of United States senator at a general election; and
- (2) The incumbent vacates the office at any time following the general election but prior to the expiration of the incumbent's term of office;

the governor, no later than the business day following receipt of official notice of the vacancy, shall temporarily appoint the person duly elected to succeed the incumbent to immediately fill the vacancy for the unexpired term.”

SECTION 3. Statutory material to be repealed is bracketed and stricken.
New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Became law on July 10, 2018, without the governor's signature, pursuant to Art. III, §16, State Constitution.)