A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE V, SECTION 6 OF THE HAWAI'I CONSTITUTION TO PROVIDE FOR THE ELECTION OF THE ATTORNEY GENERAL.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAI'I:

SECTION 1. The purpose of this Act is to propose an amendment to article V, section 6, of the Constitution of the State of Hawaii to provide that the attorney general be elected to office at a nonpartisan special election. Of the fifty states, fewer than ten have appointed attorneys general. Presently, the attorney general of Hawaii is nominated by and with the advice and consent of the Senate, appointed by the governor under article V, section 6, of the Constitution of the State of Hawaii. Election, rather than appointment, of the attorney general would insulate the attorney general's decisions from political pressures of the executive branch, allow independence in investigating and prosecuting wrongdoing in government, and allow the citizenry to have a direct vote in choosing their legal advocate.

SECTION 2. Article V, section 6, of the Constitution of the State of Hawaii is amended to read as follows:

"EXECUTIVE AND ADMINISTRATIVE OFFICES
AND DEPARTMENTS

Section 6. All executive and administrative offices, departments and instrumentalities of the state government and their respective powers and duties shall be allocated by law among and within not more than twenty principal departments in such a manner as to group the same according to common purposes and related functions. Temporary commissions or agencies for special purposes may be established by law and need not be allocated within a principal department.

Each principal department shall be under the supervision of the governor and, unless otherwise provided in this constitution or by law, shall be headed by a single executive. Such single executive shall be nominated and, by and with the advice and consent of the senate, appointed by the governor[. That person] except as otherwise provided for in this section. Appointed executives shall hold office for a term to expire at the end of the term for which the governor was elected, unless sooner removed by the governor[; except that the removal of the chief legal officer of the State shall be subject to the advice and consent of the senate].

The attorney general, the chief legal officer of the state, shall be elected by the qualified voters of the state at a
nonpartisan special election held in conjunction with the
genral election. The candidate receiving the highest number of
votes cast shall be deemed elected. In the event of a tie, the
selection of the attorney general shall be as provided by law.

Except as otherwise provided in this constitution, whenever
a board, commission or other body shall be the head of a
principal department of the state government, the members
thereof shall be nominated and, by and with the advice and
consent of the senate, appointed by the governor. The term of
office and removal of such members shall be as provided by law.
Such board, commission or other body may appoint a principal
executive officer who, when authorized by law, may be an ex
officio, voting member thereof, and who may be removed by a
majority vote of the members appointed by the governor.

The governor shall nominate and, by and with the advice and
consent of the senate, appoint all officers for whose election
or appointment provision is not otherwise provided for by this
constitution or by law. If the manner of removal of an officer
is not prescribed in this constitution, removal shall be as
provided by law.

When the senate is not in session and a vacancy occurs in
any office, appointment to which requires the confirmation of
the senate, the governor may fill the office by granting a
commission which shall expire, unless such appointment is
confirmed, at the end of the next session of the senate. The
person so appointed shall not be eligible for another interim
appointment to such office if the appointment failed to be
confirmed by the senate.

No person who has been nominated for appointment to any
office and whose appointment has not received the consent of the
senate shall be eligible to an interim appointment thereafter to
such office.

Every officer appointed under the provisions of this
section shall be a citizen of the United States and shall have
been a resident of this State for at least one year immediately
preceding that person's appointment, except that this residency
requirement shall not apply to the president of the University
of Hawaii."

SECTION 3. The question to be printed on the ballot shall
be as follows:
"Shall the attorney general, the chief legal officer of the
State of Hawaii, be elected in a nonpartisan election held
in conjunction with the general election by vote of the
general public?"
SECTION 4. Constitutional material to be repealed is bracketed and stricken. New constitutional material is underscored.

SECTION 5. This amendment shall take effect upon compliance with article XVII, section 3, of the Constitution of the State of Hawaii.

INTRODUCED BY: [Signature]
Report Title:
Attorney General; Elections

Description:
Proposes an amendment to article V, section 6, of the state constitution to provide that the attorney general be elected rather than appointed by the governor.

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