

STAND. COM. REP. NO.

598

Honolulu, Hawaii

MAR 05 2015

RE: S.B. No. 440
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 440 entitled:

"A BILL FOR AN ACT RELATING TO VACANCIES,"

begs leave to report as follows:

The purpose and intent of this measure is to amend the
procedures for nominating and electing a United States senator to
complete an unexpired term when a vacancy occurs to comply with
the Uniform Military and Overseas Voters Act.

Your Committee received testimony in support of this measure
from the Office of Elections. Your Committee received comments on
this measure from the Department of the Attorney General.

Your Committee finds that existing law provides that when a
vacancy occurs in the Office of United States Senator, the vacancy
is required to be filled for the unexpired term at the following
state general election, provided that the vacancy occurs no later
than the sixtieth day prior to the primary election. However, if
a vacancy occurs on or after the sixtieth day prior to a primary
election, the printing of ballots containing the names of the
candidates cannot be completed for a statewide contest prior to
the forty-five day deadline for overseas and military voters in
accordance with state and federal law. This measure amends the
date of the vacancy to no later than the fifteenth working day
prior to the closing date for the filing of nomination papers for
the primary election, which is 4:30 p.m. on the first Tuesday of



June, to comply with the deadline for mailing the overseas and military ballots.

Your Committee has amended this measure by:

- (1) Adopting the language suggested by the Department of the Attorney General to change the language from the fifteenth working day to the twenty-first day prior to the closing date for the filing of nomination papers for the primary election; and
- (2) Inserting an effective date of January 7, 2059, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 440, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 440, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,



GILBERT S.C. KEITH-AGARAN, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 440	Committee Referral: JDL	Date: 2/4/15		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
ESPERO, Will	✓			
GABBARD, Mike				✓
IHARA, Jr., Les	✓			
THIELEN, Laura H.	✓			
SLOM, Sam	✓			
TOTAL	6			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes