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# A BILL FOR AN ACT

RELATING TO MEMBERS OF CONGRESS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that the United States  
2 Congress operates on a seniority system of granting privileges  
3 to its members (senators and representatives) who have served  
4 the longest. Those privileges range from the selection of  
5 members' offices to committee assignments. In addition, members  
6 with a longer term of service on a committee assume senior  
7 status and wield more power in the committee. Seniority is also  
8 often considered in awarding committee chair positions.

9           The legislature further finds that it is in the best  
10 interest of the State for Hawaii's congressional delegation to  
11 accumulate seniority in office as quickly as possible to ensure  
12 that the delegation can successfully represent Hawaii's  
13 citizens. One possibility of assisting Hawaii's delegation in  
14 rapidly building seniority would be to automatically appoint  
15 newly-elected members of Congress to office immediately if the  
16 incumbent vacates the office after the general election but  
17 prior to the end of the incumbent's term, which is January 3 as



1 established under Section 1 of the Twentieth Amendment to the  
2 United States Constitution. Under those circumstances, an  
3 automatic procedure would be in place to ensure that Hawaii's  
4 newly-elected congressional members will assume office earlier  
5 than newly-elected members from other states who must wait for  
6 the incumbent's term to expire.

7 The purpose of this Act is to establish an automatic  
8 procedure that allows Hawaii's newly-elected members of  
9 Congress, under certain circumstances, to begin their terms of  
10 office with greater seniority that maximizes their ability to  
11 represent this State, by providing that when a candidate other  
12 than the incumbent is elected to Congress, and the incumbent  
13 vacates the office prior to the expiration of the incumbent's  
14 term, the governor must appoint the member-elect to immediately  
15 fill the vacancy.

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

18 "§17-1 United States senator. [~~When~~] (a) Except as  
19 otherwise provided in subsection (b), when a vacancy occurs in  
20 the office of United States senator, the vacancy shall be filled  
21 for the unexpired term at the following state general election;



1 provided that the vacancy occurs not later than 4:30 p.m. on the  
2 twenty-first day prior to the date specified in section 12-6 for  
3 the close of filing nomination papers for regularly scheduled  
4 elections; otherwise at the state general election next  
5 following. The chief election officer shall issue a  
6 proclamation designating the election for filling the vacancy.  
7 All candidates for the unexpired term shall file nomination  
8 papers not later than the date and time specified in section  
9 12-6 and shall be nominated and elected in accordance with this  
10 title. Pending the election, the governor shall make a  
11 temporary appointment to fill the vacancy by selecting a person  
12 from a list of three prospective appointees submitted by the  
13 same political party as the prior incumbent. The appointee  
14 shall serve until the election and qualification of the person  
15 duly elected to fill the vacancy and shall be, at the time of  
16 appointment, and shall have been, for at least six months  
17 immediately prior to the appointment, a member of the same  
18 political party as the prior incumbent. The appointee shall be  
19 a resident of the State. If the prior incumbent was not a  
20 member of any political party, the governor shall appoint a  
21 person who is not and has not been, for at least six months



1 immediately prior to the appointment, a member of any political  
2 party.

3 (b) Notwithstanding any provision of subsection (a) to the  
4 contrary, when:

5 (1) A candidate other than the incumbent is duly elected  
6 to the office of United States senator at a general  
7 election; and

8 (2) The incumbent vacates the office at any time following  
9 the general election but prior to the expiration of  
10 the incumbent's term of office;

11 the governor, no later than the next business day after  
12 receiving official notice of the vacancy, shall appoint the  
13 person duly elected to succeed the incumbent to immediately fill  
14 the vacancy."

15 SECTION 3. Section 17-2, Hawaii Revised Statutes, is  
16 amended to read as follows:

17 "§17-2 United States representative. [When] (a) Except  
18 as otherwise provided in subsection (b), when a vacancy occurs  
19 in the representation of this State in the United States House  
20 of Representatives, the chief election officer shall issue a  
21 proclamation for an election to fill the vacancy. The



1 proclamation shall be issued not later than on the sixtieth day  
2 prior to the election to fill the vacancy and shall contain the  
3 date, time, and places where the special election is to be held,  
4 the time within which nomination papers shall be filed, the time  
5 for transmitting to county clerks the notice designating the  
6 offices for which candidates are to be elected, the time for  
7 transmitting to county clerks lists of candidates to be voted  
8 for at the special election and such other matter as provided  
9 for in section 11-91 and which are not inconsistent with this  
10 section. The special election shall be conducted and the  
11 results ascertained so far as practicable, in accordance with  
12 this title.

13 (b) Notwithstanding any provision of subsection (a) to the  
14 contrary, when:

15 (1) A candidate other than the incumbent is duly elected  
16 to the office of United States representative at a  
17 general election; and

18 (2) The incumbent vacates the office at any time following  
19 the general election but prior to the expiration of  
20 the incumbent's term of office;

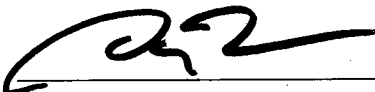


1 the governor, no later than the next business day after  
2 receiving official notice of the vacancy, shall appoint the  
3 person duly elected to succeed the incumbent to immediately fill  
4 the vacancy."

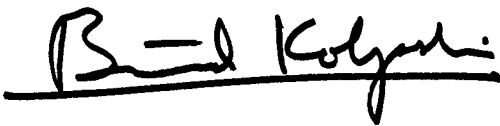
5 SECTION 4. Statutory material to be repealed is bracketed  
6 and stricken. New statutory material is underscored.

7 SECTION 5. This Act shall take effect upon its approval.  
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INTRODUCED BY:

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JAN 11 2018



# H.B. NO. 1646

**Report Title:**

Congress; Members-elect; Vacancies

**Description:**

Provides that when a candidate other than the incumbent is elected to Congress, 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.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

