

JAN 22 2021

A BILL FOR AN ACT

RELATING TO VACANCIES.

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

1 SECTION 1. Section 17-3, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§17-3 State senator.** (a) Whenever any vacancy in the
4 membership of the state senate occurs, the term of which ends at
5 the next succeeding general election:

6 (1) The governor shall make an appointment within sixty
7 calendar days following the first day of vacancy to
8 fill the vacancy for the unexpired term by selecting a
9 person from a list of three prospective appointees
10 submitted by the same political party as the prior
11 incumbent. The appointee shall be at the time of
12 appointment, and for at least six months immediately
13 prior to the appointment, a member of the political
14 party. The appointee shall, at the time of
15 appointment, be a resident of the same senate district
16 as the prior incumbent. The political party shall
17 submit the list of prospective appointees to the



1 governor within thirty calendar days following the
2 first day of vacancy; and

3 (2) If the prior incumbent was not a member of any
4 political party, the governor shall, within sixty
5 calendar days following the first day of vacancy,
6 appoint a person who is at the time of appointment a
7 resident of the same senate district as the prior
8 incumbent and who is not, and has not been for at
9 least six months prior to the appointment, a member of
10 any political party.

11 (b) In the case of a vacancy, the term of which does not
12 end at the next succeeding general election:

13 (1) If it occurs not later than on the tenth day prior to
14 the close of filing for the next succeeding primary
15 election, as specified in section 12-6, the vacancy
16 shall be filled for the unexpired term at the next
17 succeeding general election. The chief election
18 officer shall issue a proclamation designating the
19 election for filling the vacancy. Notwithstanding any
20 law to the contrary, all candidates for the unexpired
21 term shall file nomination papers not later than the



1 date and time specified in section 12-6 for the next
2 succeeding primary election. All candidates for the
3 unexpired term shall be nominated and elected in
4 accordance with this title. Pending the election, the
5 governor shall make a temporary appointment to fill
6 the vacancy, and the person so appointed shall serve
7 until the election of the person duly elected to fill
8 the vacancy. The governor shall make the appointment
9 from a list of three prospective appointees submitted
10 by the same political party as the prior incumbent.
11 The appointee shall be, at the time of the
12 appointment, and shall have been, for at least six
13 months immediately prior to the appointment, a member
14 of the political party. The appointee shall, at the
15 time of appointment, be a resident of the same senate
16 district as the prior incumbent. If the prior
17 incumbent was not a member of any political party, the
18 governor shall appoint a person who is at the time of
19 appointment a resident of the same senate district as
20 the prior incumbent and is not and has not been, for



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1 at least six months immediately prior to the
2 appointment, a member of any political party;
3 ~~[(2) If it occurs later than on the tenth day prior to the~~
4 ~~close of filing for the next succeeding primary~~
5 ~~election but not later than on the sixtieth day prior~~
6 ~~to the next succeeding primary election, or if there~~
7 ~~are no qualified candidates for any party or~~
8 ~~nonpartisan candidates qualified for the primary~~
9 ~~election ballot, nominations for the unexpired term~~
10 ~~may be filed not later than 4:30 p.m. on the fiftieth~~
11 ~~day prior to the next succeeding primary election.~~
12 ~~The chief election officer shall issue a proclamation~~
13 ~~designating the election for filling the vacancy.~~
14 ~~Pending the election the governor shall make a~~
15 ~~temporary appointment to fill the vacancy and the~~
16 ~~person appointed shall serve until the election of the~~
17 ~~person duly elected to fill the vacancy. The governor~~
18 ~~shall make the appointment from a list of three~~
19 ~~prospective appointees submitted by the same political~~
20 ~~party as the prior incumbent. The appointee shall be,~~
21 ~~at the time of the appointment, and shall have been,~~



1 ~~for at least six months immediately prior to the~~
2 ~~appointment, a member of the political party. The~~
3 ~~appointee shall, at the time of appointment, be a~~
4 ~~resident of the same senate district as the prior~~
5 ~~incumbent. If the prior incumbent was not a member of~~
6 ~~any political party, the governor shall appoint a~~
7 ~~person who is at the time of appointment a resident of~~
8 ~~the same senate district as the prior incumbent and is~~
9 ~~not and has not been, for at least six months~~
10 ~~immediately prior to the appointment, a member of any~~
11 ~~political party,~~

12 ~~(3)]~~ (2) If it occurs [~~after the sixtieth day prior to the~~
13 ~~next succeeding primary]~~ later than on the tenth day
14 prior to the close of filing for the next succeeding
15 primary election, as specified in section 12-6, but
16 not later than on the [fiftieth] ninety-fifth day
17 prior to the next succeeding general election, or if
18 there are no qualified candidates for any party or
19 nonpartisan candidates in the primary, the vacancy
20 shall be filled for the unexpired term at the next
21 succeeding general election. The chief election



1 officer shall issue a proclamation designating the
2 election for filling the vacancy. Party candidates
3 for the unexpired senate term shall be nominated by
4 the county committees of the parties [~~not~~]. Each
5 candidate shall fill out an application for nomination
6 papers, sign the proper certification on the
7 nomination papers, and take either an oath or
8 affirmation as provided by law. The chief election
9 officer shall be notified of the nominations, and the
10 nomination papers of the candidates shall be filed no
11 later than 4:30 p.m. on the [~~fortieth~~] seventy-fifth
12 day prior to the general election[~~, nonpartisan~~].
13 Nonpartisan candidates may file nomination papers for
14 the unexpired term [~~not~~] no later than 4:30 p.m. on
15 the [~~fortieth~~] seventy-fifth day prior to the general
16 election with the nonpartisan candidate who is to be
17 nominated to be decided by lot, under the supervision
18 of the chief election officer. The candidates for the
19 unexpired term shall be elected in accordance with
20 this title. Any objection to the nomination paper of
21 the candidate nominated by a political party or the



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1 nonpartisan candidate decided by lot shall be filed in
2 writing not later than 4:30 p.m. on the sixtieth day
3 or the next earliest working day prior to the general
4 election and decided in conformance with section 12-8.

5 Pending the election, the governor shall make a
6 temporary appointment to fill the vacancy, and the
7 person appointed shall serve until the election of the
8 person duly elected to fill the vacancy. The governor
9 shall make the appointment from a list of three
10 prospective appointees submitted by the same political
11 party as the prior incumbent. The appointee shall be,
12 at the time of the appointment, and shall have been,
13 for at least six months immediately prior to the
14 appointment, a member of the political party. The
15 appointee shall, at the time of appointment, be a
16 resident of the same senate district as the prior
17 incumbent. If the prior incumbent was not a member of
18 any political party, the governor shall appoint a
19 person who is at the time of appointment a resident of
20 the same senate district as the prior incumbent and is
21 not and has not been, for at least six months



1 immediately prior to the appointment, a member of any
2 political party;
3 ~~(4)~~ (3) If it occurs after the ~~fiftieth~~ ninety-fifth
4 day prior to the next succeeding general election or
5 if no candidates are nominated, the governor shall
6 make an appointment to fill the vacancy for the
7 unexpired term by selecting a person from a list of
8 three prospective appointees submitted by the same
9 political party as the prior incumbent. The appointee
10 shall be, at the time of the appointment, and shall
11 have been, for at least six months immediately prior
12 to the appointment, a member of the political party.
13 The appointee shall, at the time of appointment, be a
14 resident of the same senate district as the prior
15 incumbent. If the prior incumbent was not a member of
16 any political party, the governor shall appoint a
17 person who is at the time of appointment a resident of
18 the same senate district as the prior incumbent and is
19 not and has not been, for at least six months
20 immediately prior to the appointment, a member of any
21 political party."



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1 SECTION 2. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

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

4

INTRODUCED BY:

M. N. N.

By Request



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Report Title:

Office of Elections Package; Vacancies; State Senator

Description:

Amends the manner in which a vacancy in the membership of the State Senate is filled and certain time frames relevant thereto.

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

