

Succession to Vacancies

The manner of filling a vacancy depends on the contest and when the vacancy occurs.

President

In case of the removal of the President from office or of his death or resignation, the vice president serves as president.

Vice President

The president nominates a vice president who takes office upon confirmation by a majority vote of both Houses of Congress.

U.S. Senate

If a vacancy occurs not later than 4:30 pm on the twenty-first day prior to the candidate filing deadline for regularly scheduled offices, the vacancy for the unexpired term is filled at the general election. Otherwise, the vacancy is filled at the next general election. The winner serves the remainder of the original term.

Pending the election, the governor makes a temporary appointment to fill the vacancy by selecting a person from a list of three (3) prospective appointees submitted by the same political party as the prior incumbent.

U.S. Representative

The chief election officer issues a proclamation for an election to fill the vacancy. The proclamation must be issued not later than the sixtieth day prior to the election to fill the vacancy.

Governor

When the office of governor is vacant, the lieutenant governor becomes governor.

Lieutenant Governor

When the office of lieutenant governor is vacant, the order of succession to the office of the lieutenant governor is:

- President of the Senate
- Speaker of the House
- Attorney General

- Director of Finance
- Comptroller
- Director of Taxation
- Director of Human Resources Development

State Senate

Term Ends at Next Succeeding General Election

The governor makes an appointment within sixty (60) calendar days following the first day of vacancy to fill the unexpired term. The governor selects a person from a list of three (3) prospective appointees submitted by the same political party as the prior incumbent. The appointee serves the remainder of the original term.

Term Does Not End at Next Succeeding General Election

If the vacancy occurs not later than on the tenth day prior to the candidate filing deadline for regularly scheduled offices, the vacancy for the unexpired term is filled at the general election. The winner serves the remainder of the original term. Pending the election, the governor makes a temporary appointment to fill the vacancy by selecting a person from a list of three (3) prospective appointees submitted by the same political party as the prior incumbent. The appointee shall serve until the election of the person duly elected to fill the vacancy.

If the vacancy occurs later than the tenth day prior to the candidate filing deadline but not later than on the sixtieth day prior to the primary election, or if there are no qualified candidates for any party or nonpartisan candidates qualified for the primary election ballot; nominations must be filed not later than 4:30 pm on the fiftieth day prior to the primary election. The winner serves the remainder of the original term.

If the vacancy occurs after the sixtieth day prior to the primary election but no later than the fiftieth day prior to the general election, or if there are no qualified candidates for any party or nonpartisan candidates in the primary; the vacancy shall be filled for the unexpired term at the general election. Party candidates are nominated by the parties and nonpartisan candidates may file nomination papers not later than 4:30 pm on the fortieth day prior to the

general election. The nonpartisan candidate who appear on the general ballot is chosen by lot. The winner serves the remainder of the original term. Pending the election, the governor makes a temporary appointment to fill the vacancy by selecting a person from a list of three (3) prospective appointees submitted by the same political party as the prior incumbent.

If the vacancy occurs after the fiftieth day prior to the general election, or if no candidates are nominated; the governor makes an appointment to fill the vacancy by selecting a person from a list of three (3) prospective appointees submitted by the same political party as the prior incumbent.

State Representative

The governor makes an appointment within sixty calendar days following the first day of vacancy to fill the unexpired term. The governor selects a person from a list of three (3) prospective appointees submitted by the same political party as the prior incumbent.

Office of Hawaiian Affairs Trustee

Term Ends at Next General Election

The vacancy is filled by a two-thirds vote of the remaining members of the Board of Trustees. If the Board fails to fill the vacancy within sixty days after the vacancy occurs, then the governor must fill the vacancy within ninety days after the vacancy occurs. If the vacant seat is an island resident trustee, then the appointee needs to be a resident of that island. The appointee serves the remainder of the original term.

Term Does Not End at Next General Election

If the vacancy occurs not later than on the ninetieth day prior to the primary election, the chief election officer issues a proclamation for an election to fill the vacancy. The deadline for filing nomination papers is the same as the candidate filing deadline for regularly scheduled offices. The election of the trustee will follow the same process that applies to the election of a single island resident trustee or at-large trustee, except that the winner serves the remainder of the original term.

Pending the election or if a vacancy occurs after the ninetieth day prior to the primary election, the vacancy is filled by a two-thirds vote of the remaining members of the Board of Trustees. If the Board fails to fill the vacancy within sixty days after the vacancy occurs,

then the governor must fill the vacancy within ninety days after the vacancy occurs.

For complete information, please refer to United States Constitution Amendment XXV, Hawaii State Constitution Article V Section 4, and HRS Chapter 17 and §26-2.

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