



STATE OF HAWAII
OFFICE OF ELECTIONS
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FACTSHEET
SUCCESSION TO VACANCIES
Federal Offices - State of Hawaii

Vacancies

1. Requiring the Governor, in filling vacancies in the state Senate, state House of Representatives, and U.S. Senate, to select from a list of three prospective appointees nominated by the political party of the prior incumbent; and
2. Requiring the prospective appointees to be:
 - a) Members of nominating political parties at the time of submission of their names to the governor; and
 - b) Residents of the same electoral district as the prior incumbent at the time of appointment.

The 2007 Legislature overrode the Governor's veto on this measure (S.B. No. 1063, H.D. 1, enacted as Act 57, SLH 2007).

Office	Office Not Up For Election At The Next Regularly Scheduled Primary/General		Office Up For Election At The Next Regularly Scheduled Primary/General
	Vacancy Occurs 60 Days Prior to the Primary Election	Vacancy Occurs After the 60 Days Prior to the Primary Election	Vacancy Occurs Anytime After the Last Regularly Scheduled General Election
U.S. SENATOR HRS §17-1 Term: 6 years	Filled at the upcoming (next) general election. Candidates are nominated in the primary and elected in the general. Temporarily filled by appointment by the Governor. The person appointed must be of same political party as person who vacated the office.	Filled at the next following general election. Temporarily filled by appointment by the Governor. The person appointed must be of same political party as person who vacated the office.	Filled by appointment by the Governor. The person appointed must be of same political party as person who vacated the office.
U.S. REPRESENTATIVE HRS §17-2 Term: 2 years	Vacancy filled by special election. Candidates run by party in a single "winner take all" election. Special election will be held no earlier than 70 days after the vacancy occurs but may be held more than 70 days after the vacancy occurs.	Vacancy filled by special election. Candidates run by party in a single "winner take all" election. Special election will be held no earlier than 70 days after the vacancy occurs but may be held more than 70 days after the vacancy occurs.	Vacancy filled by special election. Candidates run by party in a single "winner take all" election. Special election will be held no earlier than 70 days after the vacancy occurs but may be held more than 70 days after the vacancy occurs.

SUCCESSION TO VACANCIES

Executive Offices - State of Hawaii

Office	Temporary Vacancy	Permanent Vacancy
<p>GOVERNOR State Const. Art. V, Sec. 4 HRS §26-2</p> <p>Term: 4 years</p> <p>Limited to two consecutive full terms.</p>	<p>Filled first by the Lieutenant Governor, then by the Attorney General.</p>	<p>Filled by the elected Lieutenant Governor. NOTE: No person other than an elected Governor or Lieutenant Governor shall become Governor.</p> <p>Acting Governor would be in this order: President of the Senate, Speaker of the House, Attorney General, Director of Finance, State Comptroller, Director of Taxation, and Director of Personnel Services.</p>
<p>LIEUTENANT GOVERNOR State Const. Art. V, Sec. 4 HRS §26-2</p> <p>Term: 4 years</p> <p>Limited to two consecutive full terms.</p>	<p>Filled in this order: Attorney General, Director of Finance, State Comptroller, Director of Taxation, and Director of Personnel Services.</p>	<p>Filled in this order: President of the Senate, Speaker of the House, Attorney General, Director of Finance, State Comptroller, Director of Taxation, and Director of Personnel Services.</p>

SUCCESSION TO VACANCIES

State Legislative Offices - State of Hawaii

Office	Office Not Up For Election At The Next Regularly Scheduled Primary/General				Office Up For Election At The Upcoming Primary/General
	Vacancy Occurs At Least 10 Days Prior To The Close Of Candidate Filing	Vacancy Occurs After The 10th Day Prior To The Close Of Candidate Filing And On Or Before The 60th Day Prior To The Primary Election	Vacancy Occurs After The 60th Day Prior To Primary And On Or Before The 50th Day Prior To The General Election	Vacancy Occurs After The 50th Day Prior To The General Election	Vacancy Occurs Anytime After The Last Regularly Scheduled General Election
STATE SENATOR HRS §17-3 Term: 4 years	Filled at the upcoming general. Candidates file nomination papers by 60th day prior to the primary and are nominated in the primary and elected in the general. Temporarily filled by appointment by the Governor within 60 days. The person appointed must be of the same political party as the person who vacated the office.	Filled at the upcoming general. Candidates file nomination papers by 50th day prior to the primary and are nominated in the primary and elected in the general. Temporarily filled by appointment by the Governor within 60 days. The person appointed must be of the same political party as the person who vacated the office.	Filled at the upcoming general. Party candidates nominated by county committees by 40th day prior to the general. Nonpartisan candidates file nomination papers by 40th day prior to the general with the nonpartisan candidate nominated decided by lot. Temporarily filled by appointment by the Governor within 60 days. The person appointed must be of the same political party as the person who vacated the office.	Filled by appointment by the Governor within 60 days. The person appointed must be of the same political party as the person who vacated the office.	Filled by appointment by the Governor within 60 days. The person appointed must be of the same political party as the person who vacated the office.
STATE REPRESENTATIVE HRS §17-4 Term: 2 years	Filled by appointment by the Governor within 60 days. The person appointed must be of the same political party as the person who vacated the office.	Filled by appointment by the Governor within 60 days. The person appointed must be of the same political party as the person who vacated the office.	Filled by appointment by the Governor within 60 days. The person appointed must be of the same political party as the person who vacated the office.	Filled by appointment by the Governor within 60 days. The person appointed must be of the same political party as the person who vacated the office.	Filled by appointment by the Governor within 60 days. The person appointed must be of the same political party as the person who vacated the office.

SUCCESSION TO VACANCIES

BOE and OHA Offices - State of Hawaii

Office	Office Not Up For Election At The Next Regularly Scheduled Primary/General		Office Up For Election At The Upcoming Primary/General
	Vacancy Occurs 60 Days Prior To The General Election	Vacancy Occurs After The 60th Day Prior To The General Election	Vacancy Occurs Anytime After The Last Regularly Scheduled General Election
BOE MEMBER HRS §17-6 Term: 4 years	Filled at the upcoming general. Candidates must file nomination papers by 50th day prior to the general. Temporarily filled by appointment by the Governor without regard to party preference or affiliation or nonpartisanship.	Filled by appointment by the Governor without regard to party preference or affiliation or nonpartisanship.	Filled by appointment by the Governor without regard to party preference or affiliation or nonpartisanship.
OHA TRUSTEE HRS §17-7 Term: 4 years	Filled at the upcoming OHA special (general) election. Candidates must file nomination papers by 50th day prior to the OHA (general) special election. Temporarily filled by appointment by 2/3's vote of the remaining members of Board. The person appointed must meet qualifications in HRS §13D-1.	Filled by appointment by 2/3's vote of the remaining members of Board. The person appointed must meet qualifications in HRS §13D-1.	Filled by appointment by 2/3's vote of the remaining members of Board. The person appointed must meet qualifications in HRS §13D-1.

SUCCESSION TO VACANCIES

City & County of Honolulu Offices - State of Hawaii

Office	Unexpired Term Less Than One Year	Unexpired Term One Year or More	Pending Election / Temporary Vacancy
<p>MAYOR City Charter §5-107</p> <p>Term: 4 years</p> <p>Limited to two consecutive full terms</p>	<p>Filled by a majority vote of all members of the Honolulu City Council. The Council shall elect one of its members to be Mayor for the unexpired term.</p>	<p>Filled by a special election to be called by the Council within 10 days and to be held within 60 days after occurrence of the vacancy. If any special or general election is to be held in the City after 30 days and within 180 days after the occurrence of the vacancy, the election shall be held in conjunction with such other election.</p>	<p>Filled by the Managing Director, or if no Managing Director or Managing Director is unable to act, the Chief Budget Officer shall then act as Mayor.</p>
<p>COUNCILMEMBER City Charter §3-105</p> <p>Term: 4 years</p> <p>Limited to two consecutive full terms</p>	<p>Filled by remaining members of the Honolulu City Council by electing a successor with requisite qualifications to fill the vacancy for the unexpired term. If the Council fails to fill the vacancy within 30 days after its occurrence, then Mayor appoints the successor to fill the vacancy for the unexpired term.</p>	<p>Filled by a special election to be called by the Council within 10 days and to be held within 60 days after occurrence of the vacancy. If any special or general election is to be held in the City after 30 days and within 180 days after the occurrence of the vacancy, the election shall be held in conjunction with such other election.</p>	
<p>PROSECUTING ATTORNEY City Charter §8-106</p> <p>Term: 4 years</p>	<p>Filled by the First Deputy Prosecuting Attorney. If no First Deputy or if the First Deputy fails to meet minimum qualifications, then by mayoral appointment, with approval of the City Council, within 30 days after occurrence of the vacancy.</p>	<p>Filled by a special election to be called by the Council within 10 days and to be held within 60 days after occurrence of the vacancy. If any special or general election is to be held in the City after 30 days and within 180 days after the occurrence of the vacancy, the election shall be held in conjunction with such other election.</p>	<p>Filled by the First Deputy Prosecuting Attorney until special election is held to fill vacancy. If no First Deputy or First Deputy fails to meet minimum qualifications, then by mayoral appointment with approval of the City Council within 30 days after occurrence of the vacancy.</p>

SUCCESSION TO VACANCIES

County of Hawaii Offices - State of Hawaii

Office	Temporary Vacancy	Vacancy Occurs Less Than 60 Days Prior To The Next Regularly Scheduled Primary	Vacancy Occurs More Than 60 Days Prior To Next The Regularly Scheduled Primary And Unexpired Term Is More than Two Years
<p>MAYOR County Charter §5-1.4 and County Code §2-8</p> <p>Term: 4 years</p>	<p>In the event of civil, military or natural disaster, during the temporary absence or disability of the mayor, the Managing Director shall act as Mayor. If the office of Managing Director is vacant, or during such periods as the Managing Director is unable to so act, then the director of finance, the planning director, director of research and development, director of personnel services and director, department of liquor control, shall succeed to the office of mayor in the order specified.</p>	<p>Filled by the Managing Director for the entire unexpired term.</p>	<p>Filled by election at next regularly scheduled election. Candidates shall be nominated to fill the unexpired term of the office at a special primary election, to be held at the same time as the regularly scheduled primary election, and the successor shall be elected at a special general election, to be held at the same time as the regularly scheduled general election. The person elected shall serve out the unexpired term of the person succeeded.</p>
<p>COUNCILMEMBER County Charter §3-4</p> <p>Term: 2 years</p>	<p>Filled by appointment by the remaining councilmembers within 60 days after occurrence. If the Council fails to fill vacancy within 60 days, then the Council Chair shall appoint the successor. The person appointed shall have the requisite qualifications and shall be of the same party with as the person vacating the seat and shall serve until a successor is elected and seated.</p>	<p>Filled by appointment by the remaining councilmembers within 60 days after occurrence. If the Council fails to fill vacancy within 60 days, then the Council Chair shall appoint the successor. The person appointed shall have the requisite qualifications and shall be of the same party with as the person vacating the seat.</p>	<p>Not Applicable. The term of office for councilmembers is two years.</p>
<p>PROSECUTING ATTORNEY County Charter §9-5</p> <p>Term: 4 years</p>	<p>Filled by the First Deputy Prosecuting Attorney. If the position of First Deputy is vacant or if the First Deputy is unable to so act, the Mayor, with the confirmation of the Council, shall fill the vacancy by appointment within 30 days of the vacancy. The person appointed shall have the requisite qualifications and shall serve until a successor is duly elected at the next state or state and county election and seated.</p>	<p>Filled by the First Deputy Prosecuting Attorney. If the position of First Deputy is vacant or if the First Deputy is unable to so act, the Mayor, with the confirmation of the Council, shall fill the vacancy by appointment within 30 days of the vacancy. The person appointed shall have the requisite qualifications and shall serve until a successor is duly elected at the next state or state and county election and seated.</p>	<p>Filled by the First Deputy Prosecuting Attorney. If the position of First Deputy is vacant or if the First Deputy is unable to so act, the Mayor, with the confirmation of the Council, shall fill the vacancy by appointment within 30 days of the vacancy. The person appointed shall have the requisite qualifications and shall serve until a successor is duly elected at the next state or state and county election and seated.</p>

SUCCESSION TO VACANCIES

County of Maui Offices - State of Hawaii

Office	Pending Election/ Temporary Vacancy	Unexpired Term Less Than One Year	Unexpired Term More Than One Year
<p>MAYOR County Charter §7-6</p> <p>Term: 4 years</p> <p>Limited to two consecutive full terms.</p>	<p>Managing Director shall act as Mayor. If the Office of Managing Director is vacant or during such periods that the Managing Director is unable to so act, the Director of Finance shall then act as Mayor.</p>	<p>Managing Director shall act as Mayor. If the Office of Managing Director is vacant or during such periods that the Managing Director is unable to so act, the Director of Finance shall then act as Mayor.</p>	<p>Filled by special election to be called by the Council within 30 days and to be held within 90 days after the occurrence of the vacancy. The candidate receiving a majority of the votes cast shall fill the vacancy. If no candidate receives a majority then, within 15 days, the Council shall call for a run-off election to be held within 45 days of the first election. The two candidates receiving the most votes in the first election shall run in a "run-off" election. If any special or general election is to be held in the county after 30 days and within 180 days after occurrence of the vacancy, then the election shall be held in conjunction with such other election.</p>
<p>PROSECUTING ATTORNEY County Charter §8-3.2</p>	<p>Filled by appointment by the Mayor with approval of the County Council.</p>	<p>Filled by appointment by the Mayor with approval of the County Council.</p>	<p>Filled by appointment by the Mayor with approval of the County Council.</p>
<p>COUNCILMEMBER County Charter §3-4</p> <p>Term: 2 years</p>	<p>Filled by appointment by a majority of the remaining councilmembers within 30 days after occurrence. If the Council fails to fill vacancy within 30 days after its occurrence, then the Mayor shall appoint the successor. The person appointed shall be a member of the same political party as the person succeeded.</p>	<p>Filled by appointment by a majority of the remaining councilmembers within 30 days after occurrence. If the Council fails to fill vacancy within 30 days after its occurrence, then the Mayor shall appoint the successor. The person appointed shall be a member of the same political party as the person succeeded if elected in a partisan election.</p>	<p>Filled by special election to be called by the council within 30 days and to be held within 90 days after the occurrence of the vacancy. At the special election, the candidate receiving the highest number of votes shall be deemed elected.</p>

SUCCESSION TO VACANCIES

County of Kauai Offices - State of Hawaii

Office	Temporary Vacancy	Vacancy Occurs More Than Three Days Prior to the Mid-Term Election	Vacancy Occurs Later Than Three Days Prior to the Close of Filing for the Mid-Term Election
<p>MAYOR County Charter §7.06</p> <p>Term: 4 years</p> <p>Limited to two consecutive full terms.</p>	<p>Filled by the Kauai County Council, by majority vote, by selecting one of its members as Mayor to serve until the next general election and assumption of office in December by the person elected Mayor.</p>	<p>The person appointed by the Council to temporarily fill the vacancy shall serve until a successor is elected in the General Election. The person elected Mayor in the General Election shall serve only for the unexpired term of the Mayor elected in the prior election.</p>	<p>The person appointed by the Council to temporarily fill the vacancy shall continue to serve for the remainder of the term of the person succeeded.</p>
<p>COUNCILMEMBER County Charter §3.05</p> <p>Term: 2 years</p>	<p>Filled by appointment by the remaining councilmembers within 30 days after occurrence. If the Council fails to fill vacancy within 30 days, then the Mayor shall appoint the successor. The successor shall have the required qualifications and shall fill the vacancy for the unexpired term.</p>	<p>Filled by appointment by the remaining councilmembers within 30 days after occurrence. If the Council fails to fill vacancy within 30 days, then the Mayor shall appoint the successor. The successor shall have the required qualifications and shall fill the vacancy for the unexpired term.</p>	<p>Filled by appointment by the remaining councilmembers within 30 days after occurrence. If the Council fails to fill vacancy within 30 days, then the Mayor shall appoint the successor. The successor shall have the required qualifications and shall fill the vacancy for the unexpired term.</p>
<p>PROSECUTING ATTORNEY County Charter §9A.05</p> <p>Term: 4 years</p>	<p>Filled by the First Deputy Prosecuting Attorney during temporary absence or disability of the Prosecuting Attorney.</p>	<p>Filled by the First Deputy Prosecuting Attorney. If the position of First Deputy is vacant or the First Deputy is unable to act, the Mayor with the approval of the Council shall fill the vacancy by appointment of a person with requisite qualifications within 30 days after the occurrence of the vacancy.</p>	<p>Filled by Special Primary and Special General Election. Candidates shall be nominated at a Special Primary Election to be called by the Council and to be held within 45 days after the occurrence of the vacancy. The successor shall be elected at a Special General Election held within 30 days of the Special Primary Election.</p>

This Fact Sheet is intended for informational purposes only and should not be used as an authority on the Hawaii election law and candidate deadlines. Requirements and/or deadlines may change pending changes in legislation. Consult the Hawaii Revised Statutes and other sources for more detailed and accurate requirements.

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