



Procedures for Filling Legislative Mid-term Vacancies
Approved by the SCC at the December 2010 Meeting

As stated in the Democratic Party of Hawai'i Constitution, Article VIII:

Section 9. Process to Identify Candidates to Fill Midterm Vacancies.

9. When any vacancy occurs in the United States Senate, State Senate or State House that is held by a Democrat, the following process shall be followed to identify candidates who may be recommended to the Governor to fill the vacant office:

- 1) The District Council shall select candidates if the vacancy is for an office representing a State Representative District.*
- 2) The respective officers of the Precinct Clubs and District Councils affected shall select the candidates if the vacancy is for an office representing a State Senate District.*
- 3) The State Central Committee shall select the candidates if the vacancy is for an office representing the entire State.*

As stated in the Democratic Party of Hawai'i Bylaws, Article IX:

Section 6. Process to Identify Candidates to Fill Midterm Vacancies.

6A. The Party Chairperson shall notify the appropriate selection body of the announced vacancy. The selection body shall make a call for candidates who are members in "good standing." A list of at least three (3) names shall be provided to the Party Chairperson within twenty-one (21) calendar days. The Party Chairperson shall transmit the list of names to the Governor's Office within three (3) business days of receipt of names.

A member in "good standing" means that the candidate shall have been a member of the Party for a minimum of six (6) months prior to either the date on which the event occurs that creates a vacancy during the term of the office or the public announcement of the office holder of his/her intent to vacate the office during the term, whichever is appropriate and that the candidate is not currently under censure pursuant to Article I, Section 8. No candidate shall be recommended who does not meet all the qualifications for office set by law for candidates who file to run in an election for the vacant office.

6B. If for any reason, the body most immediately affected by the vacancy is unable to fill the vacancy within the stated timeframe, the County Chairperson may recommend the names for an office within the County or the Party Chairperson may recommend the names for a statewide office.

Attachment A is an example of a meeting to fill a Senate District vacancy (the X's indicate precincts not in the Senate District and unable to participate in the decision making process). Precincts that are located in a House District may NOT be located within the jurisdiction of the Senate District. ONLY those precincts that are in the Senate District may participate in the decision making process to fill the Senate Vacancy.



For the purpose of clarification; participation in the decision-making Article VIII, Section 9 of the Constitution:

1) speaks to who participates (*District Council*) in the selection process for a *State House Seat*. The *District Council* is comprised of the following:

- *Chairperson, not more than three (3) Vice Chairs, not more than two (2) Secretaries and a Treasurer¹, each Precinct President, only the Precinct First Vice-President, and District Councilperson²*
 - (*Note: Except for the District Chair all members of the District Council are Precinct Officers)

2) speaks to who can participate (District Council **PLUS** Precincts Officers within Senate District) in the selection process for a State Senate Seat. The Precinct Officers that reside within the Senate District comprise the following:

- *President, First Vice President, Secretary and/or Treasurer and Precinct District Councilperson³*

The participants in the selection process for a **State Senate District Seat** are the District Council members (as defined above) **PLUS** the Precinct Officers.

For the purpose of clarification; the process for decision-making in the Bylaws Article IX, Section 6:

6A instructs the State Party Chairperson to notify the “*appropriate selection body*”⁴ or in other words the Chair of the District Council when a vacancy occurs in a State House District and the Chairs of the District Councils that are within the geographic Senate District when a vacancy occurs in a State Senate District.

*Please note that it is the practice of this State Party Chair to notify not only the Chairs of the District Council but also the respective County Chair to ensure that there is transparency as well as responsibility and coordination in the selection process. It is not possible for the State Party Chair to be in all places at all times and may from time-to-time designate the County Chair as his representative as needs arise.

6A directs the responsibility to the selection body or District Chair(s) to send out a notice to their membership referred to as a, “*call for candidates*”⁵ that are in “*good standing*”⁶.”

1 Article III, Section 2; p.3
2 Article III, Section 1; p.33
3 Article II, Section 4; p.2
4 Article IX, Section 6A; p.30
5 Ibid.
6 Ibid.



*For a State House Seat the responsibility for the “call for candidates” is the Chair of the District Council. The Chair may choose to use electronic, print media, radio, or TV for the “call for candidates.” The definition of “good standing” is defined in the second paragraph in 12B of page one (1). This is a requirement that must be adhered to during the vetting process.

**For a State Senate Seat it is recommended that the respective Chairs of the District Councils send out a “call for Candidates” through a method jointly agreed upon (i.e. electronic, print media, radio or TV). The Chairs of the District Councils would then work together during the vetting process as well.

It is recommended that ALL selection bodies provide each candidate with the Party “Candidate Statement Form” prior to the meeting of the selection body. This form can be used as a tool to determine the commitment an individual candidate has to the Party Platform and resolutions.

6A requires *a list of at least three (3) names shall be provided to the Party Chairperson within twenty-one (21) calendar days.*⁷

*For a State House Seat the responsibility for setting a meeting date, procedures for conducting the meeting and transmitting the names to the State Party Chair are the responsibility of the Chair of the District Council. The more transparent, open, democratic, and objective the process the more engaged members will feel.

**For a State Senate Seat it is recommended that the respective Chairs of the District Councils meet to determine a date, procedures for conducting the meeting and transmitting the names to the State Party Chair. Again, the more transparent, open, democratic and objective the process the more engaged the members will be able to feel from all the respective precincts and districts.

-For a State Senate Seat it is recommended that the Chairs of the District Councils hold a single meeting with all of the District Councils and respective Precinct Officers in attendance rather than separate meetings. This provides the opportunity for all members to hear the debate and discussion on all candidates put forth for consideration. Candidates would only need to attend one meeting if the process calls for the prospective candidates to speak to the decision-makers.

In any given Senate District there will be at least two House Districts. Given that, it is possible that all precincts within a given House District will not coincide within the Senate District boundary. If a Chair of the District Council resides in a precinct outside of the Senate District boundary said Chair of the District Council’s responsibilities are retained though he/she does **NOT VOTE**. **ONLY A MEMBER** who lives in a precinct in which that precinct is within the Senate District can participate and vote in the process of filling the Senate vacancy,

*/**For a House or Senate Seat the process used to narrow the list of candidates to three is at the discretion of the Chair of the District Council or Chairs of the District Council respectively. The decision-makers can choose to vote on the candidates and take the top three. They can have the ballot be open or secret, these are at the discretion of the District Council. It is recommended that minutes be kept at this meeting to be sent with the candidate names to the State Party Chair. It is also highly recommended that the final three candidate names be kept confidential, as there is a vetting process that the candidates will need to go through when their names are sent to the State Party Chair.

The Hawaii Revised State Statute §17-3 and §17-4 requires a "list of three prospective appointees" NOT a minimum of 3 names as stated in our Constitution (please see below).

7

ibid.



HRS 17-3 and 17-4 states, "[T]he governor shall make an appointment within sixty calendar days following the first day of vacancy to fill the vacancy for the unexpired term by selecting a person from a list of three prospective appointees submitted by the same political party as the prior incumbent."

*If the list submitted to the State Party Chair has **MORE** than three names then it will be at the discretion of the State Party Chair to determine which three names are transmitted to the Governor. This is due to the discrepancy in our Constitution and the State Statute. It has been the practice of **THIS SITTING CHAIR** to **NOT** accept more than three names in order to insure that candidate names submitted by the respective Chair or Chairs of the District Council are the very names that are forwarded to the Governor without changes.

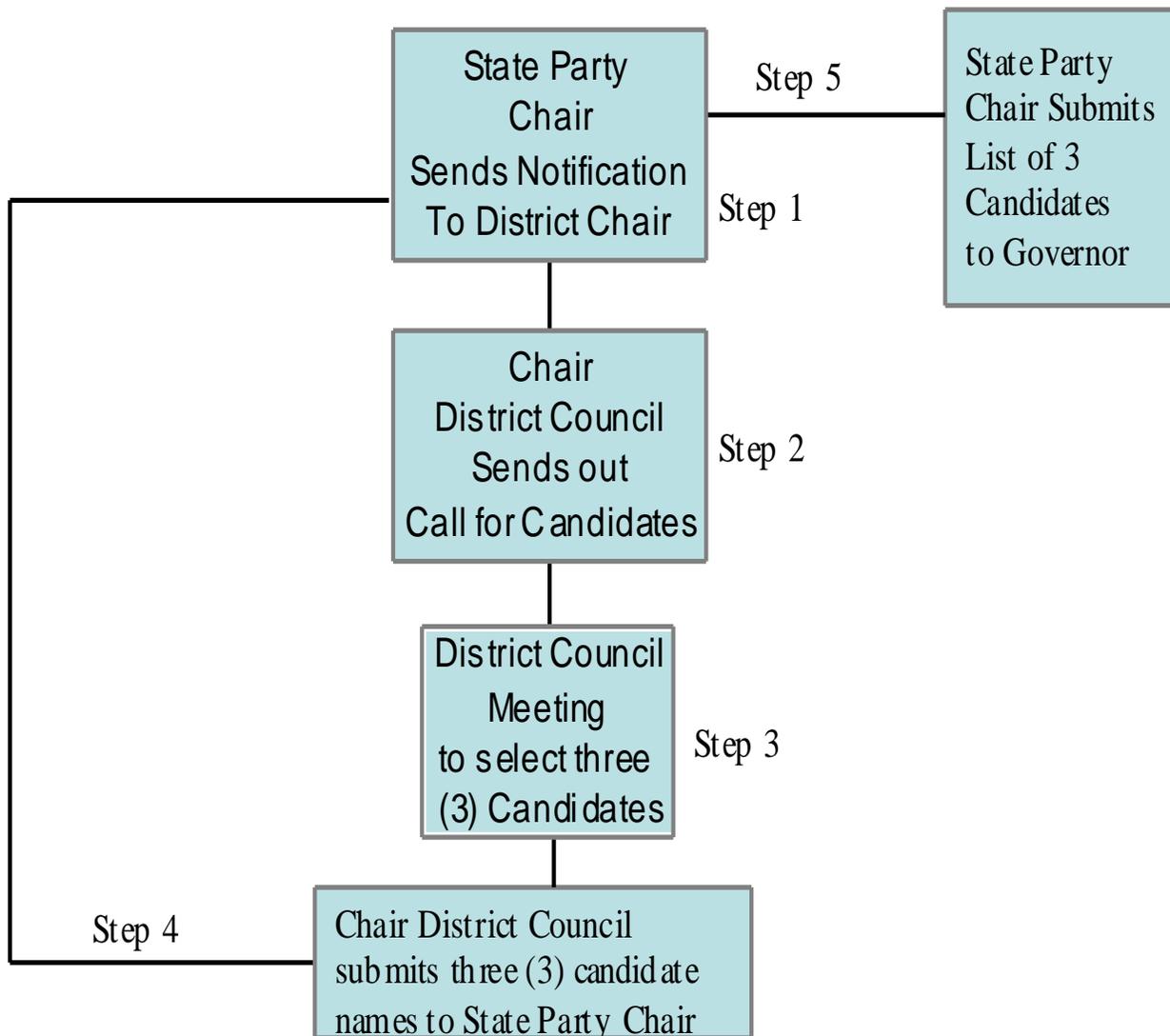
6B speaks to a fallback position. *"If for any reason, the body most immediately affected by the vacancy is unable to fill the vacancy within the stated timeframe..."*⁸ In other words if the Chair or Chairs of the District Council does not submit the names of three (3) candidates within the timeline, the role and responsibility of the respective County Chairperson is to provide the list of three (3) candidate names to the State Party Chair within the remaining timeframe.

*It is the practice of this State Party Chair to work closely with the County Chairs in conjunction with the District Chairs to ensure that the timelines are met and the list of three candidates will be provided by the District Chairs as required by the Constitution.

It is important to note that the County Chairs become involved only when the district does not meet the timelines as outlined in the Constitution.



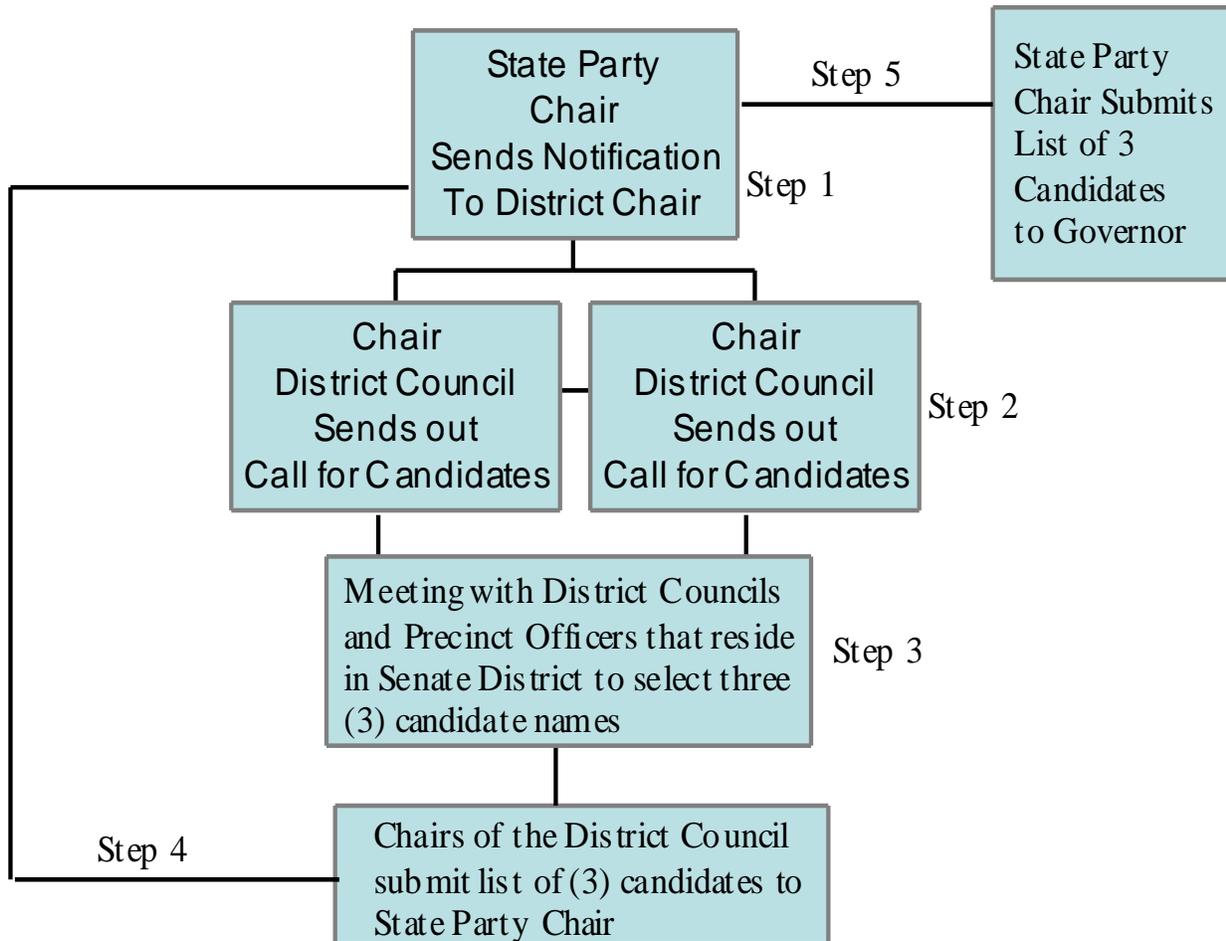
Process for Filling State House Midterm Vacancies



- Step 1 – State Party Chair will send out notification to District Chair and copy County Chair.
Step 2 – Chair of the District Council will send out “Call for Candidates” to all in the District.
Step 3 – District Council will meet to select three (3) candidate names.
Step 4 – Chair of the District Council submits three (3) candidate names to State Party Chair within 21 calendar days of notification of resignation/vacancy.
Step 5 – State Party Chair submits the three (3) names to Governor.



Process for Filling State Senate Midterm Vacancies



- Step 1 – State Party Chair will send out notification to the District Chairs and copy County Chair.
- Step 2 – District Chairs will send out “Call for Candidates” to all members in the State Senate District.
- Step 3 – District Councils will meet with the District Precinct Officers that reside in the Senate District to select three (3) candidate names.
- Step 4 – Designated District Chair submits three (3) candidate names to State Chair within 21 calendar days of notification of resignation/vacancy.
- Step 5 – State Party Chair submits the three (3) names to Governor.