

EXECUTIVE CHAMBERS  
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA

July 9, 2024

The Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

SUBJECT: Appointment for Democratic Vacancy to Senate District 22

Dear President Kouchi:

In the event of a vacancy for a seat in the State Senate, Hawai'i law requires that:

The 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.<sup>1</sup>

The Democratic Party of Hawai'i has provided a list of three (3) names, two of whom are running for the twenty-second senatorial district seat, that is former Senator Shimabukuro's seat.

While I understand that state law generally provides that the Governor shall appoint a state senator from a list of three potential individuals within sixty days of the senate seat becoming vacant, the law did not contemplate the unusual and extenuating circumstances concerning the Senate District 22 seat vacated by former Senator Maile Shimabukuro on May 31, 2024. Because of the unique timing and circumstances present here, I would be asked to select from a list of three individuals, all of whom are candidates in the August 10 primary election, a mere 11 days before the primary

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<sup>1</sup> Haw. Rev. Stat. §17-3(a)(1).

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election. I do not believe that the Legislature intended to require the Governor to select a senator within a specified timeframe when doing so would place the full weight of the Governor's office on the scales in favor of one candidate over the others.

The State Constitution starts with this foundational provision:

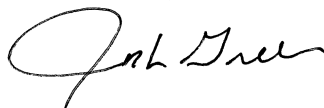
All political power of this State ***is inherent in the people and the responsibility for the exercise thereof rests with the people.*** All government is founded on this authority.<sup>2</sup> (emphasis added)

In a healthy democracy, respecting the will of the voters is paramount, and I firmly believe that democracy will best be served by my allowing the voters to select the candidate of their choice, and by my respecting their decision.

Essentially, it is my constitutional obligation to support free and fair elections, and an appointment this close to the election would have me fail that responsibility. I have conferred with the Attorney General, and I have decided that my intent is to name the appointee who wins the Democratic Primary for Senate District 22 shortly after the election results are certified.

I am torn between these authorities in exercising my duties as Governor. However, I am comfortable that my decision to wait respects the will of the people who will elect a preferred appointee without my prior official decision having influenced the outcome.

Mahalo,

A handwritten signature in black ink, appearing to read "Josh Green", with a stylized, flowing script.

Josh Green, M.D.  
Governor, State of Hawai'i

c: The Honorable Scott K. Saiki, Speaker of the House of Representatives  
The Honorable Cedric Gates, State Representative, District 45  
Ms. Stacelynn Kehaulani Marie Eli  
Mr. Croccifixio Makani Crabbe  
Mr. Derek Turbin, Party Chair, Democratic Party of Hawai'i

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<sup>2</sup> Haw. State Const. Art. I, Section 1.