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# A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

1 SECTION 1. Chapter 11, Hawaii Revised Statutes, is amended  
2 by adding a new section to be appropriately designated and to  
3 read as follows:

4 **"§11- Standard withdrawal and declaration of candidacy**  
5 **form.** (a) By no later than January 1, 2010, the office of  
6 elections shall develop a standard withdrawal and declaration of  
7 candidacy form to be used by any individual:

8 (1) Who has filed nomination papers for a congressional,  
9 state, or county office, including the office of  
10 Hawaiian affairs, to withdraw as a candidate for that  
11 office and declare candidacy for another elective  
12 office; or

13 (2) To withdraw as a candidate pursuant to section 11-117,  
14 regardless of whether the individual subsequently  
15 files nomination papers for any other elective office.

16 (b) The standard withdrawal and declaration of candidacy  
17 form shall be prescribed in a form acceptable for filing with  
18 either the chief election officer or the county clerk,



1 regardless of the elective office from which the individual is  
2 withdrawing or for which the individual is declaring the  
3 individual's candidacy."

4 SECTION 2. Section 11-117, Hawaii Revised Statutes, is  
5 amended by amending the title and subsections (a) and (b) to  
6 read as follows:

7 **"§11-117 Withdrawal of candidates; disqualification;**  
8 **death; written notice[-]; effective.** (a) Any candidate may  
9 withdraw not later than 4:30 p.m. on the day immediately  
10 following the close of filing for any reason and may withdraw  
11 after the close of filing up to 4:30 p.m. on the twentieth day  
12 prior to an election for reasons of ill health. When a  
13 candidate withdraws for ill health, the candidate shall give  
14 notice in writing to the chief election officer if the candidate  
15 was seeking a congressional or state office, or the candidate  
16 shall give notice in writing to the county clerk if the  
17 candidate was seeking a county office[~~—The~~]; provided that the  
18 written notice shall be accompanied by a statement from a  
19 licensed physician indicating that [~~such~~] the ill health may  
20 endanger the candidate's life. If a candidate who withdraws  
21 intends to file for another office, the candidate shall give  
22 written notice using the standard withdrawal and declaration of



1 candidacy form prescribed under section 11- . If the  
2 candidate does not intend to file nomination papers for any  
3 other elective office after withdrawal as a candidate, the  
4 candidate shall provide written notice to the chief elections  
5 officer or clerk; provided that filing of the standard  
6 withdrawal and declaration of candidacy form shall be deemed  
7 sufficient written notice. A candidate's withdrawal is  
8 effective at the time that the notice required by this section  
9 is submitted to the chief election officer or county clerk.

10 (b) On receipt of the written notice of death, withdrawal,  
11 or upon determination of disqualification, the chief election  
12 officer or the clerk shall inform the chairperson of the  
13 political party of which the person deceased, withdrawing, or  
14 disqualified was a candidate. When a candidate dies, withdraws,  
15 or is disqualified after the close of filing and the ballots  
16 have been printed, the chief election officer or the clerk may  
17 order the candidate's name stricken from the ballot or order  
18 that a notice of the death, withdrawal, or disqualification be  
19 prominently posted at the appropriate polling places on election  
20 day."

21 SECTION 3. Section 12-2.5, Hawaii Revised Statutes, is  
22 amended to read as follows:



1       **"§12-2.5 Nomination papers; when available.** Nomination  
2 papers shall be made available from the first working day of  
3 February in every even-numbered year[~~+, provided that in~~] until  
4 4:30 p.m. on the Friday just prior to the final day for filing  
5 as determined by section 12-6. In the case of a special primary  
6 or special election, nomination papers shall be made available  
7 at least ten days prior to the close of filing."

8       SECTION 4. Section 12-3, Hawaii Revised Statutes, is  
9 amended as follows:

10       1. By amending the title to read:

11       **"§12-3 Nomination paper; format; withdrawal and**  
12 **declaration of candidacy form; limitations."**

13       2. By amending subsection (c) to read:

14       "(c) Nomination papers shall not be filed [~~in~~] on behalf  
15 of any person for more than one party or for more than one  
16 office; nor shall any person file nomination papers both as a  
17 party candidate and as a nonpartisan candidate. An individual  
18 may withdraw as a candidate for an office prior to filing  
19 nomination papers for any other office by filing the standard  
20 withdrawal and declaration of candidacy form prescribed under  
21 section 11- with the chief election officer or county clerk."



1 SECTION 5. Section 12-6, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

3 "[+] (b) [+] If after the close of filing there are no  
4 candidates who have filed nomination papers for an elective  
5 office for the primary, special primary, or any special election  
6 held in conjunction with the primary election, the chief  
7 election officer or clerk, in the case of a county election,  
8 shall make nomination papers available not later than 4:30 p.m.  
9 on the second calendar day following the filing deadline set  
10 forth in subsection (a), and shall accept filing of the  
11 nomination papers for that office [not later than] until 4:30  
12 p.m. on the fiftieth day prior to the primary, special primary,  
13 or special election."

14 SECTION 6. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 7. This Act shall take effect on January 1, 2046.



**Report Title:**

Elections; Nomination Papers

**Description:**

Requires office of elections to create and make available a standard withdrawal and declaration of candidacy form. Requires office of elections to make nomination papers available only until the Friday preceding the filing deadline. Establishes required availability and filing deadlines for nomination papers in the event that no candidates have validly filed nomination papers for an elective office by the original filing deadline.  
(HB128 HD1)

