
A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

1 SECTION 1. Section 11-118, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~§11-118~~ **Vacancies; new candidates; insertion of names on**
4 **ballots.** (a) If a candidate withdraws less than five days
5 prior to the filing deadline set forth in section 12-6, any
6 other person may file nomination papers no later than 4:30 p.m.
7 on the fifth day following the date of withdrawal; provided that
8 an extension shall be permitted only once in each race,
9 regardless of the number of candidates that withdraw.

10 [~~a~~—In] (b) Except as provided in subsection (a), in
11 case of death, withdrawal, or disqualification of any party
12 candidate after filing, the vacancy so caused may be filled by
13 the party. The party shall be notified by the chief election
14 officer or the clerk in the case of a county office immediately
15 after the death, withdrawal, or disqualification.

16 [~~b~~] (c) If the party fills the vacancy^[7] as provided in
17 subsection (b) and so notifies the chief election officer or
18 clerk not later than 4:30 p.m. on the third day after the



1 vacancy occurs, but not later than 4:30 p.m. on the fiftieth day
2 prior to a primary or special primary election or not later than
3 4:30 p.m. on the fortieth day prior to a special, general, or
4 special general election, the name of the replacement shall be
5 printed in an available and appropriate place on the ballot, not
6 necessarily in alphabetical order; provided that the replacement
7 candidate fills out an application for nomination papers and
8 signs the proper certifications on the nomination paper and
9 takes either an oath or affirmation as provided by law. If the
10 party fails to fill the vacancy pursuant to this subsection, no
11 candidate's name shall be printed on the ballot for the party
12 for that race.

13 ~~[(e)]~~ (d) If the ballots have been printed and it is not
14 reasonably possible to insert an alternate's name, the chief
15 election officer shall issue a proclamation informing the public
16 that the votes cast for the vacating candidate shall be counted
17 and the results interpreted as follows:

18 (1) In a primary or special primary election:

19 (A) In partisan races, if, but for candidate's
20 vacancy, the vacating candidate would have been
21 nominated pursuant to section 12-41(a), a vacancy



1 shall exist in the party's nomination, to be
2 filled in accordance with subsection ~~[(b)-]~~ (c).

3 (B) In nonpartisan races, if, but for the candidate's
4 vacancy, the vacating candidate would have
5 qualified as a candidate for the general or
6 special general election ballot pursuant to
7 section 12-41(b), the nonpartisan candidate who
8 received the next highest number of votes shall
9 be placed on the ballot provided that the
10 candidate also meets the requirements of section
11 12-41(b).

12 (2) In a special, general, or special general election,
13 if, but for the candidate's vacancy, the vacating
14 candidate would have been elected, a vacancy shall
15 exist in the office for which the race in question was
16 being held, to be filled in the manner provided by law
17 for vacancies in office arising from the failure of an
18 elected official to serve the official's full term
19 because of death, withdrawal, or removal.

20 (3) In any other case where, but for the candidate's
21 vacancy, the vacating candidate would have been deemed
22 elected, a vacancy shall exist in the office for which



1 the candidate has filed, to be filled in the manner
2 provided by law for vacancies in office arising from
3 the failure of an elected official to serve the
4 official's full term in office because of death,
5 withdrawal, or removal.

6 ~~[(d)]~~ (e) The parties shall adopt rules to comply with
7 this provision, and those rules shall be submitted to the chief
8 election officer.

9 ~~[(e)]~~ (f) The chief election officer or county clerk in
10 county elections may waive any or all of the foregoing
11 requirements in special circumstances as provided in the rules
12 adopted by the chief election officer."

13 SECTION 2. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 3. This Act shall take effect upon its approval.

16

INTRODUCED BY:

Calvin H. Boy

JAN 23 2009



Report Title:

Elections; Withdrawal of Candidate; Filing Deadline

Description:

Extends the filing deadline by 5 days in cases where a candidate withdraws less than 5 days prior to the filing deadline.

