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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 that shall be filed by any individual who has  
8 filed nomination papers for a congressional, state, or county  
9 office, including the office of Hawaiian affairs, and who wishes  
10 to withdraw as a candidate and to file nomination papers for any  
11 other elective office.

12           (b) The standard withdrawal and declaration of candidacy  
13 form shall be developed in a manner acceptable for filing with  
14 either the chief election officer or the county clerk,  
15 regardless of the elective office from which the individual is  
16 withdrawing or for which the individual is declaring the  
17 individual's candidacy.



1        (c) The standard withdrawal and declaration of candidacy  
2 form may be used to withdraw as a candidate pursuant to section  
3 11-117, regardless of whether the individual subsequently files  
4 nomination papers for any other elective office."

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

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



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

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



1 SECTION 3. Section 12-3, Hawaii Revised Statutes, is  
2 amended as follows:

3 1. By amending the title to read:

4 "§12-3 Nomination paper; format; withdrawal and  
5 declaration of candidacy form; limitations."

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

7 "(c) Nomination papers shall not be filed in behalf of any  
8 person for more than one party or for more than one office; nor  
9 shall any person file nomination papers both as a party  
10 candidate and as a nonpartisan candidate. To withdraw as a  
11 candidate prior to filing nomination papers for any other  
12 office, an individual who has filed nomination papers shall file  
13 a standard withdrawal and declaration of candidacy form pursuant  
14 to section 11- to designate the office from which the  
15 individual is withdrawing as a candidate and to declare the  
16 office for which the individual is filing nomination papers."

17 SECTION 4. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19 SECTION 5. This Act shall take effect upon its approval.

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*Rider Cecilia  
Hemurou  
Mile Carroll*

INTRODUCED BY:

*Kim Ho*  
*Della A. Balatti*

*J. Nil. Kanaratoru*  
*[Signature]*  
*[Signature]*

**Report Title:**

Elections; Withdrawal and Declaration of Candidacy

**Description:**

Requires the office of elections to develop a standard withdrawal and declaration of candidacy form by 01/01/2010. Requires a candidate to file the standard form to withdraw as a candidate prior to the subsequent filing of nomination papers for any other elective office.

