

JAN 23 2009

A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

1 SECTION 1. The legislature finds that, in recent state and
2 county elections, whether certain candidates had timely filed
3 nomination papers or properly withdrawn as a candidate presented
4 complex issues that were ultimately resolved by election
5 officials. To avoid any appearance of impropriety by candidates
6 or state or county election officials, this Act clarifies
7 certain candidate filing and withdrawal requirements.

8 The purpose of this Act is to prevent confusion and
9 uncertainty in the requirements for candidate filing and
10 withdrawal in state and county elections by:

- 11 (1) Requiring written notice to the appropriate election
12 official to effectively withdraw as a candidate;
- 13 (2) Clarifying the effective date of a candidate's
14 withdrawal;
- 15 (3) Clarifying that a political party shall notify the
16 chief election officer or clerk when filling a vacancy
17 no later than the third day after the party has



1 received notice from the chief election officer or
2 clerk that a vacancy has occurred; and

3 (4) Eliminating last-minute candidate filing by shortening
4 the time that nomination papers are available to
5 candidates.

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

9 "§11-117 Withdrawal of candidates; effective;
10 disqualification; death; written notice. (a) Any candidate may
11 withdraw not later than 4:30 p.m. on the day immediately
12 following the close of filing for any reason and may withdraw
13 after the close of filing up to 4:30 p.m. on the twentieth day
14 prior to an election for reasons of ill health. When a
15 candidate withdraws [~~for ill health~~], the candidate shall give
16 notice in writing to the chief election officer if the candidate
17 was seeking a congressional or state office, or the candidate
18 shall give notice in writing to the county clerk if the
19 candidate was seeking a county office. [The] A candidate's
20 withdrawal is effective at the time that the written notice is
21 submitted to the chief election officer or county clerk, as
22 appropriate. An oral notice of a candidate's intent to withdraw



1 is insufficient to establish the candidate's withdrawal. Where
2 a candidate's withdrawal is based upon the candidate's ill
3 health, the notice shall be accompanied by a statement from a
4 licensed physician indicating that such ill health may endanger
5 the candidate's life."

6 SECTION 3. Section 11-118, Hawaii Revised Statutes, is
7 amended by amending subsection (b) to read as follows:

8 "(b) If the party fills the vacancy, and so notifies the
9 chief election officer or clerk not later than 4:30 p.m. on the
10 third business day after the party has received notice of the
11 vacancy [~~occurs,~~] from the chief election officer or clerk, but
12 not later than 4:30 p.m. on the fiftieth day prior to a primary
13 or special primary election or not later than 4:30 p.m. on the
14 fortieth day prior to a special, general, or special general
15 election, the name of the replacement shall be printed in an
16 available and appropriate place on the ballot, not necessarily
17 in alphabetical order; provided that the replacement candidate
18 fills out an application for nomination papers and signs the
19 proper certifications on the nomination paper and takes either
20 an oath or affirmation as provided by law. If the party fails
21 to fill the vacancy pursuant to this subsection, no candidate's

1 name shall be printed on the ballot for the party for that
2 race."

3 SECTION 4. Section 12-2.5, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§12-2.5 Nomination papers; when available. Nomination
6 papers shall be made available from the first working day of
7 February in every even-numbered year[; ~~provided that in~~] until
8 seventy-two hours prior to the filing deadline. If the filing
9 deadline day is a Saturday, Sunday, or holiday, nomination
10 papers shall be available until 4:30 p.m. on the first working
11 day immediately preceding. In the case of a special primary or
12 special election, nomination papers shall be made available at
13 least ten days prior to the close of filing."

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

16 "[+] (b) [+] If after the close of filing there are no
17 candidates who have filed nomination papers for an elective
18 office for the primary, special primary, or any special election
19 held in conjunction with the primary election, the chief
20 election officer or clerk, in the case of a county election,
21 shall make nomination papers available and shall accept
22 nomination papers for that office not later than 4:30 p.m. on



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1 the [~~fiftieth day prior to the primary, special primary, or~~
2 ~~special election.~~] third business day following the filing
3 deadline established in subsection (a)."

4 SECTION 6. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 7. This Act shall take effect upon its approval.

7

INTRODUCED BY:

Raymond L. B/c



Report Title:

Elections; Candidate Filing and Withdrawal

Description:

Clarifies candidate filing and withdrawal requirements in state and county elections. Clarifies that when a political party fills a vacancy, the party shall notify the appropriate election official no later than 3 business days after receiving notice of the vacancy from the election official.

