

JAN 28 2009

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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. Section 11-117, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:  
3           "(a) Any candidate may withdraw not later than 4:30 p.m.  
4 on the day immediately following the close of filing for any  
5 reason and may withdraw after the close of filing up to 4:30  
6 p.m. on the twentieth day prior to an election for reasons of  
7 ill health. [~~When a candidate withdraws for ill health, the~~  
8 The candidate shall give the notice of withdrawal in writing to  
9 the chief election officer if the candidate was seeking a  
10 congressional or state office, or the candidate shall give  
11 notice in writing to the county clerk if the candidate was  
12 seeking a county office. The notice shall be effective upon  
13 receipt by the chief election office or the county clerk, as  
14 appropriate. When a candidate withdraws for ill health, the  
15 notice of withdrawal shall be accompanied by a statement from a  
16 licensed physician indicating that such ill health may endanger  
17 the candidate's life."



1 SECTION 2. Section 12-3, Hawaii Revised Statutes, is  
2 amended by amending subsection (c) to read as follows:

3 "(c) Nomination papers shall not be filed in behalf of any  
4 person for more than one party or for more than one office; nor  
5 shall any person file nomination papers both as a party  
6 candidate and as a nonpartisan candidate[-]; provided that if  
7 nomination papers are filed on behalf of a person for more than  
8 one office, all previously filed nomination papers shall be  
9 deemed automatically withdrawn, and the withdrawal shall be  
10 effective at the time the subsequent nomination papers are  
11 filed."

12 SECTION 3. Section 12-6, Hawaii Revised Statutes, is  
13 amended by amending subsection (a) to read as follows:

14 "(a) Nomination papers shall be filed as follows:  
15 (1) For members of Congress, state, and county offices,  
16 nomination papers shall be filed with the chief  
17 election officer, or clerk in case of county offices,  
18 not later than 4:30 p.m. on the sixtieth calendar day  
19 prior to the primary, special primary, or special  
20 election provided that if such day is a Saturday,  
21 Sunday, or holiday then not later than 4:30 p.m. on  
22 the first working day immediately preceding[-];



1           provided that candidates who are incumbents shall file  
2           nomination papers on the fifty-seventh calendar day  
3           prior to the primary, special primary, or special  
4           election provided that if such day is a Saturday,  
5           Sunday, or holiday then not later than 4:30 p.m. on  
6           the first working day immediately preceding. A state  
7           candidate from the counties of Hawaii, Maui, and Kauai  
8           may file the declaration of candidacy with the  
9           respective clerk. The clerk shall transmit to the  
10          office of the chief election officer the state  
11          candidate's declaration of candidacy without delay.  
12          However, if a special primary or special election is  
13          to be held by a county and the county charter requires  
14          that the council shall issue a proclamation calling  
15          for the election to be held within a specified period  
16          of time, and if that requirement would not allow the  
17          filing of nomination papers with the appropriate  
18          office by the sixtieth calendar day prior to the day  
19          for holding the special primary or special election,  
20          the council shall establish the deadline for the  
21          filing of nomination papers in the proclamation  
22          calling for the election; and



1 (2) For the board of trustees for the office of Hawaiian  
 2 affairs, nomination papers shall be filed with the  
 3 chief election officer, not later than 4:30 p.m. on  
 4 the sixtieth calendar day prior to the primary  
 5 election referred to in paragraph (1); provided that  
 6 if that day is a Saturday, Sunday, or holiday, then  
 7 not later than 4:30 p.m. on the first working day  
 8 immediately preceding."

9 SECTION 4. Statutory material to be repealed is bracketed  
 10 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: Michelle D. Sidani  
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**Report Title:**

Elections; Nomination Papers; Filing; Withdrawal

**Description:**

Specifies that candidates shall give written notice of withdrawal. Clarifies withdrawal is effective upon receipt of written notice. Requires incumbents to file nomination papers 3 days earlier than other candidates. Provides that where a candidate files nomination papers for more than one office, all previously filed papers are automatically withdrawn effective as of the time of filing the subsequent nomination papers.

