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# A BILL FOR AN ACT

RELATING TO PRIMARY ELECTIONS.

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

1           SECTION 1. The legislature finds that provisions within  
2 the National Defense Authorization Act for fiscal year 2010  
3 requires states to mail absentee ballots to uniformed and  
4 overseas voters no later than forty-five days prior to federal  
5 elections. The legislature also finds that Hawaii law allows  
6 only forty-five days between primary and general elections,  
7 making meeting the federal mailing deadlines an impossibility.

8           Federal law allows for states to request a waiver of the  
9 requirement on an election-by-election basis, if the State can  
10 show that it has alternative means by which it can ensure access  
11 to the ballot for overseas voters. The federal law further  
12 provides that the waiver request must be made more than ninety  
13 days before the general election and that the approval or denial  
14 of the request will occur no later than sixty-five days before  
15 the general election.

16           With this in mind, state election officials sought to  
17 immediately submit the State of Hawaii's waiver application, but  
18 they have been informed that the federal government is still



1 determining the specifics of the waiver application process and,  
2 as such, are not receiving applications at this time.

3 The purpose of this Act is to move Hawaii's primary  
4 election date to the second Saturday in August and to move the  
5 deadline for filing nomination papers to the first Tuesday in  
6 June.

7 SECTION 2. Section 12-2, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 "**§12-2 Primary held when; candidates only those nominated.**

10 The primary shall be held [~~at the polling place for each~~  
11 ~~precinct~~] on the second [~~to the last~~] Saturday of [~~September~~  
12 August] in every even numbered year [~~; provided that in no case~~  
13 ~~shall any primary election precede a general election by less~~  
14 ~~than forty five days~~].

15 No person shall be a candidate for any general or special  
16 general election unless the person has been nominated in the  
17 immediately preceding primary or special primary."

18 SECTION 3. Section 12-6, Hawaii Revised Statutes, is  
19 amended by amending subsections (a) and (b) to read as follows:

20 "(a) [~~Nomination papers shall be filed as follows:~~

21 ~~(1)] For members of Congress, state[~~, and~~] offices, county  
22 offices, and board of trustees for the office of~~



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



1 ~~filing of nomination papers with the appropriate~~  
2 ~~office by the sixtieth calendar day prior to the day~~  
3 ~~for holding the special primary or special election,~~  
4 ~~the council shall establish the deadline for the~~  
5 ~~filing of nomination papers in the proclamation~~  
6 ~~calling for the election; and~~

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

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



1 ~~primary, or special election.]~~ until 4:30 p.m. on the tenth day  
2 after the original close of filing."

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

5 SECTION 5. This Act shall take effect on January 1, 2011.

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**Report Title:**

Primary Elections; Filing of Nomination Papers

**Description:**

Moves the date of the primary election to the second Saturday of August. Requires nomination papers to be filed not later than 4:30 p.m. on the first Tuesday in June. Effective January 1, 2011. (HB2397 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

