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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 12-6, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§12-6 Nomination papers: time for filing; fees.** (a)

4 Nomination papers shall be filed as follows:

5           (1) For members of Congress, state, and county offices,  
6 nomination papers shall be filed with the chief  
7 election officer, or clerk in case of county offices,  
8 not later than 4:30 p.m. on the [~~sixtieth~~] eightieth  
9 calendar day prior to the primary, special primary, or  
10 special election provided that if such day is a  
11 Saturday, Sunday, or holiday then not later than 4:30  
12 p.m. on the first working day immediately preceding.

13 A state candidate from the counties of Hawaii, Maui,  
14 and Kauai may file the declaration of candidacy with  
15 the 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



1 to be held by a county and the county charter requires  
2 that the council shall issue a proclamation calling  
3 for the election to be held within a specified period  
4 of time, and if that requirement would not allow the  
5 filing of nomination papers with the appropriate  
6 office by the [~~sixtieth~~] eightieth calendar day prior  
7 to the day for holding the special primary or special  
8 election, the council shall establish the deadline for  
9 the filing of nomination papers in the proclamation  
10 calling for the election; and

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

19 [†] (b) [†] If after the close of filing there are no  
20 candidates who have filed nomination papers for an elective  
21 office for the primary, special primary, or any special election  
22 held in conjunction with the primary election, the chief



1 election officer or clerk, in the case of a county election,  
2 shall accept nomination papers for that office not later than  
3 4:30 p.m. on the [~~fiftieth~~] seventieth day prior to the primary,  
4 special primary, or special election.

5 (c) (1) If any candidate for Congress, state, or county office  
6 should withdraw their nomination papers seventy-two  
7 hours before the filing deadline and as a result  
8 create an uncontested race for that office, then the  
9 filing deadline for that certain office shall be  
10 extended by five calendar days, provided that if such  
11 day is a Saturday, Sunday, or holiday then not later  
12 than 4:30 p.m. on the first working day immediately  
13 preceding. This provision shall also apply to an  
14 uncontested race in which the incumbent does not file  
15 nomination papers and by doing so creates an unopposed  
16 contest for the remaining candidate in that office.

17 (2) Any office left either without any candidate or with  
18 an uncontested election as a direct result of a  
19 candidate or candidates for that office opting to file  
20 for the contest opened up by this initial five  
21 calendar day extension shall be granted the following:  
22 Candidates wishing to file for this office shall be



1           granted a five calendar day extension from the date  
2           the office is left either uncontested or without a  
3           candidate, provided that if such day is a Saturday,  
4           Sunday, or holiday, then not later than 4:30 p.m. on  
5           the first working day immediately preceding. This  
6           extension shall be granted for each office that  
7           subsequently is affected by withdrawals qualified in  
8           this provision, provided that no extension shall be  
9           granted after the fiftieth calendar day prior to the  
10           primary, special primary, or special election.

11           [+] (c) [+] (d) There shall be deposited with each  
12 nomination paper a filing fee on account of the expenses  
13 attending the holding of the primary, special primary, or  
14 special election which shall be paid into the treasury of the  
15 State, or county, as the case may be, as a realization:

- 16           (1) For United States senators and United States  
17           representatives--\$75;  
18           (2) For governor and lieutenant governor--\$750;  
19           (3) For mayor--\$500; and  
20           (4) For all other offices--\$250.



1           ~~[(d)]~~ (e) Upon the receipt by the chief election officer  
2 or the clerk of the nomination paper of a candidate, the day,  
3 hour, and minute when it was received shall be endorsed thereon.

4           ~~[(e)]~~ (f) Upon the showing of a certified copy of an  
5 affidavit which has been filed with the campaign spending  
6 commission pursuant to section 11-208 by a candidate who has  
7 voluntarily agreed to abide by spending limits, the chief  
8 election officer or clerk shall discount the filing fee of the  
9 candidate by the following amounts:

- 10           (1) For the office of governor and lieutenant governor--  
11                 \$675;
- 12           (2) For the office of mayor--\$450; and
- 13           (3) For all other offices--\$225.

14           ~~[(f)]~~ (g) The chief election officer or clerk shall  
15 waive the filing fee in the case of a person who declares, by  
16 affidavit, that the person is indigent and who has filed a  
17 petition signed by currently registered voters who constitute at  
18 least one-half of one per cent of the total voters registered at  
19 the last preceding general election in the respective district  
20 or districts which correspond to the specific office for which  
21 the indigent person is a candidate. This petition shall be  
22 submitted on the form prescribed and provided by the chief



1 election officer together with the nomination paper required by  
2 this chapter."

3 SECTION 2. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:

Calvin K. Ay  
J. H. K...

JAN 23 2009



**Report Title:**

Elections; Filing Deadlines; Late Filings and Withdrawal

**Description:**

Provides a revised and more graduated process for ensuring all federal, state, and county elections have ample opportunity for contested elections in the event of late filing or withdrawals by candidates for these contests.

