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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. The legislature finds that provisions within  
2 the National Defense Authorization Act for Fiscal Year 2010,  
3 P.L. 111-84, requires states to mail absentee ballots to  
4 uniformed and overseas voters no later than forty-five days  
5 prior to elections for federal office. The legislature also  
6 finds that Hawaii law allows only forty-five days between  
7 primary and general elections, making meeting the federal  
8 mailing deadlines an impossibility.

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

1 With this in mind, state election officials sought to  
2 immediately submit the State of Hawaii's application for this  
3 waiver, but they have been informed that the federal government  
4 is still determining the specifics of the waiver application  
5 process and, as such, are not accepting applications at this  
6 time.

7 The purpose of this Act is to move Hawaii's primary  
8 election date to the second Saturday in August and to move the  
9 deadline for filing nomination papers to the first Tuesday in  
10 June.

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

13 **"§12-2 Primary held when; candidates only those nominated.**

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

19 No person shall be a candidate for any general or special  
20 general election unless the person has been nominated in the  
21 immediately preceding primary or special primary."

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

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

4 ~~(1)] For members of Congress, state, and county offices,~~  
5 and the board of trustees for the office of Hawaiian  
6 affairs, nomination papers shall be filed with the  
7 chief election officer, or clerk in case of county  
8 offices, not later than 4:30 p.m. on the ~~[sixtieth~~  
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 first Tuesday in June; provided that for a special  
14 primary or special election, the filing deadline will  
15 be determined in the proclamation that is issued  
16 calling for the election as provided for by state law  
17 or county charter. A state candidate from the  
18 counties of Hawaii, Maui, and Kauai may file the  
19 declaration of candidacy with the respective clerk.  
20 The clerk shall transmit to the office of the chief  
21 election officer the state candidate's declaration of  
22 candidacy without delay. ~~[However, if a special~~

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

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

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

1 held in conjunction with the primary election, the chief  
2 election officer or clerk, in the case of a county election,  
3 shall accept nomination papers for that office [~~not later than~~  
4 ~~4:30 p.m. on the fiftieth day prior to the primary, special~~  
5 ~~primary, or special election.~~] until 4:30 p.m. on the tenth day  
6 after the original close of filing."

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

9 SECTION 5. This Act shall take effect on July 1, 2050, and  
10 shall apply to the primary elections held prior to the regularly  
11 scheduled general election held in November 2060, and every  
12 election thereafter, but shall not apply to any special election  
13 held before November 2010.

14

**Report Title:**

Elections; Primary Election Dates; Filing Deadline

**Description:**

Changes the date of the primary election to the second Saturday of August for primary elections, including the OHA board. Changes the filing deadline for nomination papers to the first Tuesday in June, except for special primary or special elections. Effective July 1, 2050, shall apply to the primary elections held prior to the regularly scheduled general election held in November 2060, and every election thereafter. (SD1)

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