

**HB2397,**

**HD1**



**STATE OF HAWAII  
OFFICE OF ELECTIONS**

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SCOTT T. NAGO  
CHIEF ELECTION OFFICER

**TESTIMONY OF THE  
CHIEF ELECTION OFFICER, OFFICE OF ELECTIONS  
TO THE SENATE COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS  
ON HOUSE BILL NO. 2397, HD 1  
RELATING TO PRIMARY ELECTIONS**

**March 12, 2010**

Chair Taniguchi and members of the Senate Committee on Judiciary and Government Operations, thank you for the opportunity to testify in support of House Bill No. 2397, HD 1. The purpose of this bill is to implement amendments to federal law concerning voting by military and overseas voters.

Specifically, President Barack Obama signed into law the National Defense Authorization Act for Fiscal Year 2010 on October 28, 2009. Subtitle H of that law, which may be cited as the Military and Overseas Voter Empowerment Act (MOVE), amended various parts of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) (42 USC §§ 1973ff et seq.)

Among these amendments is a provision requiring states to transmit absentee ballots to uniformed and overseas voters no later than forty-five days prior to a federal elections. 42 USC § 1973ff-1(a)(8). This provision is effective as of the 2010 General Election. The present law provides for the Primary Election to be held on the second to the last Saturday in September in every even numbered year, provided that in no case does it precede the General Election by less than forty-five days. HRS § 12-2. Given that the General Election is held on the first Tuesday following the first Monday in November in every even numbered year, most Primary Elections are exactly forty-five days prior to the General Election. Haw. Const. Article II, § 8 (State Elections); 2 USC §§ 1 & 7 (Congressional Elections); and 3 USC § 1 (Presidential Elections).<sup>1</sup>

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<sup>1</sup> The Primary Election is forty-five days prior to the general election in 2010, 2014, 2018, and 2020. In 2012 and 2022 the Primary Election is fifty-two days prior to the General Election, due to first day of November in those years being a Tuesday, thus causing an additional week to elapse before the first Tuesday after the first Monday in November.

A period of forty-five days between the Primary and General Election is insufficient to finalize election results, address legal challenges, proof the contents of the General Election ballot, print the ballots, and finally mail them out in compliance with the new federal law. Specifically, challenges to the Primary Election results can be filed up to six days after the election and the resolution of said challenge by the Hawaii Supreme Court may take up to an additional nine days. HRS § 11-173.5. Separately, the proofing of the General Election ballot as to candidates, ballot questions, and ballot types takes approximately seven days. After which, it takes approximately fourteen days to print the ballots, before they can even be processed and mailed out forty-five days in advance of the General Election.

As such, it would be difficult to meet this new federal requirement, barring a change in our laws. It should be noted that the federal law allows for states to request a waiver of the requirement on an election by election basis, if it can show that it has alternative means by which it can ensure access to the ballot for overseas voters. 42 USC § 1973ff-1(g)(1). The law further provides that the request must be made more than ninety days before the general election and that the approval or denial of the request will occur no later than sixty-five days before the general election. 42 USC § 1973ff-1(g)(3).

With this in mind, we have sought to immediately submit the State of Hawaii's application, but we have been informed by the Federal Voting Assistance Program that it is still consulting with the Department of Justice on the specifics of the waiver application process. 42 USC § 1973ff-1(g)(2). As such, until that time no application can be submitted or considered.

The Office of Elections supports HB 2397, HD 1 as it addresses the Office's previously noted concerns about timing, by moving Hawaii's Primary Election date to the second Saturday in August and the deadline for filing nomination papers to the first Tuesday in June.

Thank you for the opportunity to testify in support of House Bill No. 2397, HD 1.

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STATE OF HAWAII  
CAMPAIGN SPENDING COMMISSION  
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March 10, 2010

TO: The Honorable Brian T. Taniguchi, Chair  
Senate Committee on Judiciary and Government Operations

The Honorable Dwight Y. Takamine, Vice-Chair  
Senate Committee on Judiciary and government Operations

Members of the Senate Committee on Judiciary and Government Operations

FROM: Barbara U. Wong, Executive Director *BWong*  
Campaign Spending Commission

SUBJECT: Testimony on H.B. No. 2397, HD1, Relating to Primary Elections<sup>1</sup>

Friday, March 12, 2010  
9:30 a.m. in Conference Room 016

Chair Taniguchi, Vice-Chair Takamine, and Members of the Senate Committee on Judiciary and Government Operations, thank you for the opportunity to testify on this bill which proposes to, among other things, change the date of the primary election from the second to the last Saturday in September to the second Saturday in August for primary elections.

According to Section 1 of the bill, the Office of Elections confirms that they will seek a waiver under the Uniformed and Overseas Citizens Absentee Voting Act for the 2010 election when the federal government begins accepting applications for waivers. We support the effective date of the bill as January 1, 2011.

If the primary election date must change to the second to the last Saturday in August, we recommend that the Committee amend the bill by making 2 changes to the reporting deadlines for candidate committees, and 1 change adding one additional report for noncandidate committees to maintain the same level of transparency we have currently, as follows:

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<sup>1</sup> This bill was referred to only this committee. The companion bill (S.B. 2819, SD 2, Relating to Elections) was passed by the Senate and referred to JUD and FIN and JUD has not yet scheduled a hearing for the bill as of March 10, 2010 when our testimony was submitted.

**§11-212 Preliminary reports.**

(a)(1) The candidate committee of each candidate whose name will appear on the ballot in the immediately succeeding election shall file a preliminary report. Preliminary reports shall be filed on the following dates:

- (A) July ~~thirty-first~~ fifth of the year of the primary election;
- (B) Ten calendar days prior to each primary and initial special election; and
- (C) September 30 of the year of the primary election; and
- ~~(E)~~ (D) Ten calendar days prior to a special or general election.

\* \* \* \*

(b) Each noncandidate committee shall file a preliminary report with the commission on the tenth calendar day prior to each primary election, on September 30<sup>th</sup>, and the tenth calendar day prior to a special or general election. Each report shall be certified pursuant to section 11-195 and shall contain the following information, which shall be current through the fifth calendar day prior to the filing of a preliminary report:

For an in-depth discussion of these changes, we provide the following: in Part I we discuss candidate committee reports; in Part II we discuss noncandidate committee reports; and Part III compares H.B. No. 2397, H.D. 1 to S.B. No. 2819, S.D. 2.

**I. CANDIDATE COMMITTEE REPORTS**

**A. Current reporting deadlines**

Under current law, reports must be filed during the remainder of 2010 by candidates for the House of Representatives, Kauai Mayor and Neighbor Island County Council<sup>2</sup> as follows:

Due date	Reporting period	Candidate Committee Report
August 2, 2010	January 1 through June 30, 2010	1 <sup>st</sup> Preliminary Primary Report
September 8, 2010	July 1 through September 3, 2010	2 <sup>nd</sup> Preliminary Primary Report
September 15, 2010	September 4 through September 14, 2010	Late Contributions Report <sup>3</sup>
<i>September 18, 2010</i>		<i>Primary Election</i>
October 8, 2010	September 4 through September 18, 2010	Final Primary Report
October 8, 2010	January 1 through September 18, 2010	Expenditures of Public Funds <sup>4</sup>
October 25, 2010	September 19 through October 18, 2010	Preliminary General Report <sup>5</sup>
October 25, 2010	January 1 through October 18, 2010	Preliminary General Report <sup>6</sup>

<sup>2</sup> There are 5 reporting schedules for candidates, with slight differences depending on the office sought.

<sup>3</sup> This form is for reporting contributions from any person or entity that aggregates more than \$500 and made to a candidate during the period of fifteen calendar days through four calendar days prior to the Primary Election. Late Contributions must also be reported on the Final Primary Report. The report is not required if there are no Late Contributions.

<sup>4</sup> This form is required for candidates who received partial public financing in the primary election.

<sup>5</sup> This form is for candidates that were successful in the Primary Election and have advanced to the General Election. This report is not required for candidates that won outright or were unsuccessful in the Primary Election. See the Final Election Period Report

November 1, 2010	October 19 through October 29, 2010	Late Contributions Report <sup>7</sup>
<i>November 2, 2010</i>		<i>General Election</i>
December 2, 2010	October 19 through November 2, 2010	Final Election Period Report; <sup>8</sup> or
December 2, 2010	September 19 through November 2, 2010	Final Election Period Report; <sup>9</sup> or
December 2, 2010	January 1 through November 2, 2010	Final Election Period Report <sup>10</sup>
December 2, 2010	January 1 through November 2, 2010	Expenditures of Public Funds

**B. Reporting deadlines under H.B. No. 2397, H.D. 1**

This bill, as drafted, would require candidate committees to file reports for an August 14, 2010 primary election as follows (changes are in boldface):

Due date	Reporting period	Candidate Committee Report
August 2, 2010	January 1 through June 30, 2010	1 <sup>st</sup> Preliminary Primary Report
<del>[September 8, 2010]</del> <b>August 4, 2010</b>	July 1 through <del>[September 3, 2010]</del> <b>July 30, 2010</b>	2 <sup>nd</sup> Preliminary Primary Report <sup>11</sup>
<del>[September 15, 2010]</del> <b>August 11, 2010</b>	<del>[September 4 through September 14, 2010]</del> <b>July 31 through August 10, 2010</b>	Late Contributions Report <sup>12</sup>
<del>[September 18, 2010]</del> <b>August 14, 2010</b>		<i>Primary Election</i>
<del>[October 8, 2010]</del>	<del>[September 4 through September 18, 2010]</del>	Final Primary Report <sup>13</sup>

<sup>6</sup> This is the first report for candidates for the Office of Hawaiian Affairs.

<sup>7</sup> This form is for reporting contributions from any person or entity that aggregates more than \$500 and made to a candidate during the period of fifteen calendar days through four calendar days prior to the General Election. Late Contributions must also be reported on the Final Election Period Report. The report is not required if there are no Late Contributions or if a candidate won outright or was unsuccessful in the Primary Election.

<sup>8</sup> For candidates that filed the Preliminary General Report.

<sup>9</sup> For candidates that won outright or were unsuccessful in the Primary Election and who did not file the Preliminary General Report.

<sup>10</sup> For candidates whose aggregate contributions and aggregate expenditures for the election period total \$1,000 or less. All previous reports, with the exception of the Organizational Report, are not required to be filed.

<sup>11</sup> "(a)(1) The candidate committee of each candidate whose name will appear on the ballot in the immediately succeeding election shall file a preliminary report with the commission or appropriate county clerk's office. Preliminary reports shall be filed on forms provided by the commission no later than 4:30 p.m. on the following dates:

- (A) July thirtieth of the year of the primary election;
- (B) Ten calendar days prior to each primary and initial special election; and
- (C) Ten calendar days prior to a special or general election.

(2) Each report shall be certified pursuant to section 11-195 and shall contain the following information which shall be current through the thirtieth calendar day prior to the filing of the report filed on the thirtieth of July and fifth calendar day prior to the filing of other preliminary reports..." HRS section 11-212(a).

<sup>12</sup> "Each candidate, candidate's committee, or committee, that within the period of fifteen calendar days through four calendar days prior to a primary, special primary, general, or special general election, makes contributions aggregating more than \$500, or receives contributions from any person or entity aggregating more than \$500, shall file a report with the commission or appropriate county clerk's office on forms provided by the commission, no later than 4:30 p.m., three calendar days prior to the election." HRS section 11-207.5(a).

Due date	Reporting period	Candidate Committee Report
September 13	July 31 through August 14, 2010	
[October 8, 2010] September 13, 2010	January 1 through [September 18, 2010] August 14, 2010	Expenditures of Public Funds
October 25, 2010	[September 19] August 15 through October 18, 2010	Preliminary General Report
October 25, 2010	January 1 through October 18, 2010	Preliminary General Report
November 1, 2010	October 19 through October 29, 2010	Late Contributions Report
November 2, 2010		General Election
December 2, 2010	October 19, 2010 through November 2, 2010	Final Election Period Report; or
December 2, 2010	[September 19] August 15 through November 2, 2010	Final Election Period Report; or
December 2, 2010	January 1 through November 2, 2010	Final Election Period Report
December 2, 2010	January 1 through November 2, 2010	Expenditures of Public Funds

H.B. No. 2397, H.D.1 would, among other things:

- Require that the first preliminary primary report and second preliminary primary report be filed by the candidate committee within two days of each other (August 2 and August 4, respectively); and
- Present a 42-day gap in the 2010 election between the committee's final primary report filed on September 13, 2010 (for the reporting period from July 31 through August 14, 2010) and the preliminary general report filed on October 25, 2010 (reporting period from August 15 through October 18, 2010). There would be less transparency for the public as information regarding candidates' contributions and expenditures would not be available to the public during this gap. Under current law, the time-period between the regular reports filed during the peak election time of 2010 varies from seventeen to thirty days based on how close to each election day it is (i.e., reports would be due in 2010 on September 8, October 8, and October 25).

**C. Recommendation – amend section 11-212(a), HRS, so that the first preliminary primary report for candidate committees is filed on July 5 and second preliminary primary report is filed on July 30; amend the law to add a second preliminary general report to be filed on September 30**

We recommend amending section 11-212(a), HRS as follows:

“(a)(1) The candidate committee of each candidate whose name will appear on the ballot in the immediately succeeding election shall file a preliminary report with the commission or appropriate county clerk's office. Preliminary reports

<sup>13</sup> “Each candidate whether or not successful in a primary or initial special election, authorized person in the case of a party, or campaign treasurer in the case of a committee, shall file a final primary report certified pursuant to section 11-195 with the commission on forms provided by the commission no later than 4:30 p.m. on the twentieth calendar day after a primary or initial special election.” HRS section 11-213(a).

shall be filed on forms provided by the commission no later than 4:30 p.m. on the following dates:

- (A) July ~~[thirtieth]~~ fifth of the year of the primary election;
- (B) Ten calendar days prior to each primary and initial special election;  
 [and]
- (C) September 30 of the year of the primary election; and
- ~~(C)~~ (D) Ten calendar days prior to a special or general election.

(2) Each report shall be certified pursuant to section 11-195 and shall contain the following information which shall be current through the thirtieth calendar day prior to the filing of the report filed on the thirtieth of July and fifth calendar day prior to the filing of other preliminary reports...”

If our recommendations are incorporated in this bill, candidate committees would be required to file reports as follows:

Due date	Reporting period	Candidate Committee Report
<del>[August 2, 2010]</del> <b>July 6, 2010</b>	January 1 through June 30, 2010	1 <sup>st</sup> Preliminary Primary Report
<del>[September 8, 2010]</del> <del>August 4, 2010</del>	July 1 through <del>[September 3, 2010]</del> <u>July 30, 2010</u>	2 <sup>nd</sup> Preliminary Primary Report <sup>14</sup>
<del>[September 15, 2010]</del> August 11, 2010	<del>[September 4 through September 14, 2010]</del> July 31 through August 10, 2010	Late Contributions Report <sup>15</sup>
<del>[September 18, 2010]</del> August 14, 2010		Primary Election
<del>[October 8, 2010]</del> September 13	<del>[September 4 through September 18, 2010]</del> July 31 through August 14, 2010	Final Primary Report <sup>16</sup>
<del>[October 8, 2010]</del>	January 1 through <del>[September 18, 2010]</del>	Expenditures of Public Funds

<sup>14</sup> “(a) (1) The candidate committee of each candidate whose name will appear on the ballot in the immediately succeeding election shall file a preliminary report with the commission or appropriate county clerk’s office. Preliminary reports shall be filed on forms provided by the commission no later than 4:30 p.m. on the following dates:

- (A) July thirtieth of the year of the primary election;
- (B) Ten calendar days prior to each primary and initial special election; and
- (C) Ten calendar days prior to a special or general election.

(2) Each report shall be certified pursuant to section 11-195 and shall contain the following information which shall be current through the thirtieth calendar day prior to the filing of the report filed on the thirtieth of July and fifth calendar day prior to the filing of other preliminary reports...” HRS section 11-212(a).

<sup>15</sup> “Each candidate, candidate’s committee, or committee, that within the period of fifteen calendar days through four calendar days prior to a primary, special primary, general, or special general election, makes contributions aggregating more than \$500, or receives contributions from any person or entity aggregating more than \$500, shall file a report with the commission or appropriate county clerk’s office on forms provided by the commission, no later than 4:30 p.m., three calendar days prior to the election.” HRS section 11-207.5(a).

<sup>16</sup> “Each candidate whether or not successful in a primary or initial special election, authorized person in the case of a party, or campaign treasurer in the case of a committee, shall file a final primary report certified pursuant to section 11-195 with the commission on forms provided by the commission no later than 4:30 p.m. on the twentieth calendar day after a primary or initial special election.” HRS section 11-213(a).



Due date	Reporting period	Candidate Committee Report
September 13, 2010	August 14, 2010	
September 30, 2010	August 15 through September 25, 2010	<b>1<sup>st</sup> Preliminary General Report</b>
October 25, 2010	<del>September 19</del> August 15 through October 18, 2010 or September 26 through October 18, 2010	<b>2<sup>nd</sup> Preliminary General Report</b>
October 25, 2010	January 1 through October 18, 2010	Preliminary General Report
November 1, 2010	October 19 through October 29, 2010	Late Contributions Report
<i>November 2, 2010</i>		<i>General Election</i>
December 2, 2010	October 19, 2010 through November 2, 2010	Final Election Period Report; or
December 2, 2010	<del>September 19</del> August 15 through November 2, 2010	Final Election Period Report; or
December 2, 2010	January 1 through November 2, 2010	Final Election Period Report
December 2, 2010	January 1 through November 2, 2010	Expenditures of Public Funds

## II. NONCANDIDATE COMMITTEE REPORTS

### A. Current reporting deadlines

Due date	Reporting period	Noncandidate Committee Report
September 6, 2010	January 1 through September 3, 2010	Preliminary Primary Report
September 15, 2010	September 4 through September 14, 2010	Late Contributions Report <sup>17</sup>
<i>September 18, 2010</i>		<i>Primary Election</i>
October 8, 2010	September 4 through September 18, 2010	Final Primary Report
October 25, 2010	September 19 through October 18, 2010	Preliminary General Report
November 1, 2010	October 19 through October 29, 2010	Late Contributions Report <sup>18</sup>
<i>November 2, 2010</i>		<i>General Election</i>
December 2, 2010	October 19 through November 2, 2010	Final Election Period Report

### B. Reporting deadlines under H.B. No. 2397, H.D. 1

Due date	Reporting period	Noncandidate Committee Report
<del>September 6, 2010</del> August 4, 2010	January 1 through <del>September 3, 2010</del> July 30, 2010	Preliminary Primary Report
<i>August 14, 2010</i>		<i>Primary Election</i>

<sup>17</sup> This form is for reporting contributions received from any person or entity that aggregates more than \$500 and for reporting contributions made to candidates that aggregate more than \$500 during the period of fifteen calendar days through four calendar days prior to the General Election. Late Contributions must also be reported on the Final Election Period Report. The report is not required if there are no Late Contributions.

<sup>18</sup> This form is for reporting contributions from any person or entity that aggregates more than \$500 and made to a candidate during the period of fifteen calendar days through four calendar days prior to the General Election. Late Contributions must also be reported on the Final Election Period Report. The report is not required if there are no Late Contributions or if a candidate won outright or was unsuccessful in the Primary Election.

<del>[September 15, 2010]</del> August 11, 2010	<del>[September 4 through September 14, 2010]</del> July 31 through August 10, 2010	Late Contributions Report <sup>19</sup>
<del>[September 18, 2010]</del>		<del>Primary election</del>
<del>[October 8, 2010]</del> September 13, 2010	<del>[September 4 through September 18, 2010]</del> July 31 through August 14, 2010	Final Primary Report
October 25, 2010	[September 19] <u>August 15</u> through October 18, 2010	Preliminary General Report
November 1, 2010	October 19 through October 29, 2010	Late Contributions Report <sup>20</sup>
<del>November 2, 2010</del>		<del>General Election</del>
December 2, 2010	October 19 through November 2, 2010	Final Election Period Report

This bill presents a 42-day gap in the 2010 election between the committee's final primary report filed on September 13, 2010 (for the reporting period from July 31 through August 14, 2010) and the preliminary general report filed on October 25, 2010 (reporting period from August 15 through October 18, 2010).

**C. Recommendation – amend the law to add a second preliminary general report to be filed on September 30**

We recommend amending section 11-212(b), HRS as follows:

“(b) Each noncandidate committee shall file a preliminary report with the commission, on forms provided by the commission, no later than 4:30 p.m. on the tenth calendar day prior to each primary election, September 30, and the tenth calendar day prior to a special or general election. Each report shall be certified pursuant to section 11-195 and shall contain the following information, which shall be current through the fifth calendar day prior to the filing of a preliminary report:

- (1) The aggregate sum of all contributions and other campaign receipts received;
- (2) The amount and date of deposit of the contribution and the name, address, employer, and occupation of each donor who contributes an aggregate of \$100 or more during an election period, which has not previously been reported; provided that if all the information is not on file, the contribution shall be returned to the donor within thirty days of deposit;

<sup>19</sup> This form is for reporting contributions received from any person or entity that aggregates more than \$500 and for reporting contributions made to candidates that aggregate more than \$500 during the period of fifteen calendar days through four calendar days prior to the General Election. Late Contributions must also be reported on the Final Election Period Report. The report is not required if there are no Late Contributions.

<sup>20</sup> This form is for reporting contributions from any person or entity that aggregates more than \$500 and made to a candidate during the period of fifteen calendar days through four calendar days prior to the General Election. Late Contributions must also be reported on the Final Election Period Report. The report is not required if there are no Late Contributions or if a candidate won outright or was unsuccessful in the Primary Election.

- (3) The amount and date of each disbursement or contribution made to a candidate, party, organization, or committee, including the name and address of each payee, which has not previously been reported;
- (4) The amount and date of each expenditure made or incurred by the committee for or against any candidate, ballot issue, or on behalf of another committee, which has not previously been reported; and
- (5) A current statement of the balance on hand.”

If these recommendations are incorporated in this bill, noncandidate committees would be required to file reports as follows:

Due date	Reporting period	Noncandidate Committee Report
<del>[September 6, 2010]</del> <u>August 4, 2010</u> <del>August 14, 2010</del>	January 1 through <del>[September 3, 2010]</del> <u>July 30, 2010</u>	Preliminary Primary Report
<del>[September 15, 2010]</del> <u>August 11, 2010</u> <del>[September 18, 2010]</del>	<del>[September 4 through September 14, 2010]</del> <u>July 31 through August 10, 2010</u>	<del>Primary Election</del> Late Contributions Report <sup>21</sup> <del>Primary election</del>
<del>[October 8, 2010]</del> <u>September 13, 2010</u>	<del>[September 4 through September 18, 2010]</del> <u>July 31 through August 14, 2010</u>	Final Primary Report
<u>September 30, 2010</u>	<u>August 15 through September 25, 2010</u>	<b>1<sup>st</sup> Preliminary General Report</b>
October 25, 2010	<del>[September 19]</del> <u>August 15</u> through October 18, 2010 or <u>September 26</u> through October 18, 2010	<b>2<sup>nd</sup> Preliminary General Report</b>
October 25, 2010	<del>[September 19]</del> <u>August 15</u> through October 18, 2010	Preliminary General Report
November 1, 2010 <del>November 2, 2010</del>	October 19 through October 29, 2010	Late Contributions Report <sup>22</sup> <del>General Election</del>
December 2, 2010	October 19 through November 2, 2010	Final Election Period Report

### III. COMPARISON OF H.B. 2397, H.D. 1 AND S.B. NO. 2819, S.D. 2

H.B. 2397, H.D. 1	S.B. No. 2819, S.D. 2	
SECTION 1. The legislature finds that provisions within the National Defense Authorization Act for <b>fiscal</b>	SECTION 1. The legislature finds that provisions within the National Defense Authorization Act for	Almost same; minor nonsubstantive differences (terms are in boldface)

<sup>21</sup> This form is for reporting contributions received from any person or entity that aggregates more than \$500 and for reporting contributions made to candidates that aggregate more than \$500 during the period of fifteen calendar days through four calendar days prior to the General Election. Late Contributions must also be reported on the Final Election Period Report. The report is not required if there are no Late Contributions.

<sup>22</sup> This form is for reporting contributions from any person or entity that aggregates more than \$500 and made to a candidate during the period of fifteen calendar days through four calendar days prior to the General Election. Late Contributions must also be reported on the Final Election Period Report. The report is not required if there are no Late Contributions or if a candidate won outright or was unsuccessful in the Primary Election.

H.B. 2397, H.D. 1	S.B. No. 2819, S.D. 2	
<p>year 2010 requires states to mail absentee ballots to uniformed and overseas voters no later than forty-five days prior to federal elections. The legislature also finds that Hawaii law allows only forty-five days between primary and general elections, making meeting the federal mailing deadlines an impossibility.</p> <p>Federal law allows for states to request a waiver of the requirement on an election-by-election basis, if the State can show that it has alternative means by which it can ensure access to the ballot for overseas voters. The federal law further provides that the waiver request must be made more than ninety days before the general election and that the approval or denial of the request will occur no later than sixty-five days before the general election.</p> <p>With this in mind, state election officials sought to immediately submit the State of Hawaii's waiver application, but they have been informed that the federal government is still determining the specifics of the waiver application process and, as such, are not receiving applications at this time.</p> <p>The purpose of this Act is to move Hawaii's primary election date to the second Saturday in August and to move the deadline for filing nomination papers to the first Tuesday in June.</p>	<p><b>Fiscal Year 2010, Public Law Number 111-84</b>, requires states to mail absentee ballots to uniformed and overseas voters no later than forty-five days prior to elections for federal office. The legislature also finds that Hawaii law allows only forty-five days between primary and general elections, making meeting the federal mailing deadlines an impossibility.</p> <p>Federal law allows for a state to request a waiver of the requirement on an election-by-election basis, if the state can show that it has alternative means by which it can ensure access to the ballot for overseas voters. The law further provides that the request must be made more than ninety days before the general election and that the approval or denial of the request will occur no later than sixty-five days before the general election.</p> <p>With this in mind, state election officials sought to immediately submit the State of Hawaii's application for this waiver, but they have been informed that the federal government is still determining the specifics of the waiver application process and, as such, are not accepting applications at this time.</p> <p>The purpose of this Act is to move Hawaii's primary election date to the second Saturday in August and to move the deadline for filing nomination papers to the first Tuesday in June.</p>	
SECTION 2	SECTION 2	Same
<p>SECTION 3. Section 12-6, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:</p> <p>"(a) <del>[Nomination papers shall be filed as follows:</del></p> <p>(+) For members of Congress, state <del>and</del> offices, county offices, <del>and board of trustees for the office of Hawaiian affairs,</del> nomination papers shall be filed with the chief</p>	<p>SECTION 3. Section 12-6, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:</p> <p>"(a) <del>[Nomination papers shall be filed as follows:</del></p> <p>(+) For members of Congress, state, and county offices, <u>and the board of trustees for the office of Hawaiian affairs,</u> nomination papers shall be filed with the chief election</p>	Almost same; minor nonsubstantive differences (terms are in boldface)

H.B. 2397, H.D. 1	S.B. No. 2819, S.D. 2	
<p>election officer, or clerk in case of county offices, not later than 4:30 p.m. on the <del>[sixtieth calendar day prior to the primary, special primary, or special election provided that if such day is a Saturday, Sunday, or holiday then not later than 4:30 p.m. on the first working day immediately preceding.]</del> <u>first Tuesday in June.</u> <u>However, in the event of a special primary or special election, the filing deadline shall be determined in the proclamation that is issued calling for the election as provided for by state law or county charter.</u> A state candidate from the counties of Hawaii, Maui, and Kauai may file the declaration of candidacy with the respective clerk. The clerk shall transmit to the office of the chief election officer the state candidate's declaration of candidacy without delay. <del>[However, if a special primary or special election is to be held by a county and the county charter requires that the council shall issue a proclamation calling for the election to be held within a specified period of time, and if that requirement would not allow the filing of nomination papers with the appropriate office by the sixtieth calendar day prior to the day for holding the special primary or special election, the council shall establish the deadline for the filing of nomination papers in the proclamation calling for the election; and</del></p> <p><del>(2) For the board of trustees for the office of Hawaiian affairs, nomination papers shall be filed with the chief election officer, not later than 4:30 p.m. on the sixtieth calendar day prior to the primary election referred to in paragraph (1); provided that if that day is a Saturday, Sunday, or holiday, then not later than 4:30 p.m. on the first working day immediately preceding.]</del></p> <p><del>[(b)]</del> If after the close of</p>	<p>officer, or clerk in case of county offices, not later than 4:30 p.m. on the <del>[sixtieth calendar day prior to the primary, special primary, or special election provided that if such day is a Saturday, Sunday, or holiday then not later than 4:30 p.m. on the first working day immediately preceding.]</del> <u>first Tuesday in June;</u> <u>provided that for a special primary or special election, the filing deadline will be determined in the proclamation that is issued calling for the election as provided for by state law or county charter.</u> A state candidate from the counties of Hawaii, Maui, and Kauai may file the declaration of candidacy with the respective clerk. The clerk shall transmit to the office of the chief election officer the state candidate's declaration of candidacy without delay. <del>[However, if a special primary or special election is to be held by a county and the county charter requires that the council shall issue a proclamation calling for the election to be held within a specified period of time, and if that requirement would not allow the filing of nomination papers with the appropriate office by the sixtieth calendar day prior to the day for holding the special primary or special election, the council shall establish the deadline for the filing of nomination papers in the proclamation calling for the election; and</del></p> <p><del>(2) For the board of trustees for the office of Hawaiian affairs, nomination papers shall be filed with the chief election officer, not later than 4:30 p.m. on the sixtieth calendar day prior to the primary election referred to in paragraph (1); provided that if that day is a Saturday, Sunday, or holiday, then not later than 4:30 p.m. on the first working day immediately preceding.]</del></p> <p><del>[(b)]</del> If after the close of filing</p>	

<p><b>H.B. 2397, H.D. 1</b></p> <p>filing there are no candidates who have filed nomination papers for an elective office for the primary, special primary, or any special election held in conjunction with the primary election, the chief election officer or clerk, in the case of a county election, shall accept nomination papers for that office <del>[not later than 4:30 p.m. on the fiftieth day prior to the primary, special primary, or special election.]</del> <u>until 4:30 p.m. on the tenth day after the original close of filing.</u>"</p>	<p><b>S.B. No. 2819, S.D. 2</b></p> <p>there are no candidates who have filed nomination papers for an elective office for the primary, special primary, or any special election held in conjunction with the primary election, the chief election officer or clerk, in the case of a county election, shall accept nomination papers for that office <del>[not later than 4:30 p.m. on the fiftieth day prior to the primary, special primary, or special election.]</del> <u>until 4:30 p.m. on the tenth day after the original close of filing.</u>"</p>	
<p><b>SECTION 4.</b></p>	<p><b>SECTION 4.</b></p>	<p>Same</p>
<p><b>SECTION 5.</b> This Act shall take effect on <b>July 1, 2050</b>, and shall apply to the primary elections held prior to the regularly scheduled general election held in November 2060, and every election thereafter, but shall not apply to any special election held before <b>November 2010</b>.</p>	<p><b>SECTION 5.</b> This Act shall take effect on <b>January 1, 2011</b>.</p>	