



GOV. MSG. NO. 1262

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

June 23, 2011

The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

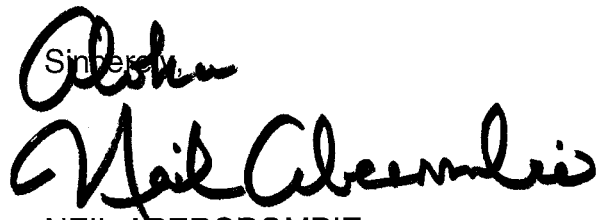
The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on June 23, 2011, the following bill was signed into law:

HB1368 HD2 SD1 CD1

RELATING TO ELECTIONS.
Act 159 (11)

Sincerely,


NEIL ABERCROMBIE
Governor, State of Hawaii

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 candidate shall give notice in writing to the chief election
9 officer if the candidate was seeking a congressional or state
10 office, or the candidate shall give notice in writing to the
11 county clerk if the candidate was seeking a county office. The
12 notice shall be accompanied by a statement from a licensed
13 physician or physician assistant indicating that such ill health
14 may endanger the candidate's life.

15 A candidate who withdraws the candidate's own nomination
16 papers prior to the close of filing shall not be considered to
17 have caused a vacancy that may be filled by a party under
18 section 11-118."



1 SECTION 2. Section 11-118, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§11-118 Vacancies; new candidates; insertion of names on**
4 **ballots.** (a) In case of death, withdrawal, or disqualification
5 of any party candidate [~~after filing~~], the vacancy so caused may
6 be filled by the party. The party shall be notified by the
7 chief election officer or the clerk in the case of a county
8 office immediately after the death, withdrawal, or
9 disqualification.

10 (b) If the party fills the vacancy, and so notifies the
11 chief election officer or clerk not later than 4:30 p.m. on the
12 third day after the vacancy occurs, but not later than 4:30 p.m.
13 on the fiftieth day prior to a primary or special primary
14 election or not later than 4:30 p.m. on the fortieth day prior
15 to a special, general, or special general election, the name of
16 the replacement shall be printed in an available and appropriate
17 place on the ballot, not necessarily in alphabetical order;
18 provided that the replacement candidate fills out an application
19 for nomination papers [~~and~~], signs the proper certifications on
20 the nomination paper, and takes either an oath or affirmation as
21 provided by law. If the party fails to fill the vacancy



1 pursuant to this subsection, no candidate's name shall be
2 printed on the ballot for the party for that race.

3 (c) If the ballots have been printed and it is not
4 reasonably possible to insert an alternate's name, the chief
5 election officer shall issue a proclamation informing the public
6 that the votes cast for the vacating candidate shall be counted
7 and the results interpreted as follows:

8 (1) In a primary or special primary election:

9 (A) In partisan races, if, but for candidate's
10 vacancy, the vacating candidate would have been
11 nominated pursuant to section 12-41(a), a vacancy
12 shall exist in the party's nomination, to be
13 filled in accordance with subsection (b) ~~[]~~; and

14 (B) In nonpartisan races, if, but for the candidate's
15 vacancy, the vacating candidate would have
16 qualified as a candidate for the general or
17 special general election ballot pursuant to
18 section 12-41(b), the nonpartisan candidate who
19 received the next highest number of votes shall
20 be placed on the ballot; provided that the
21 candidate also meets the requirements of section
22 12-41(b) ~~[]~~;



1 (2) In a special, general, or special general election,
2 if, but for the candidate's vacancy, the vacating
3 candidate would have been elected, a vacancy shall
4 exist in the office for which the race in question was
5 being held, to be filled in the manner provided by law
6 for vacancies in office arising from the failure of an
7 elected official to serve the official's full term
8 because of death, withdrawal, or removal[-]; and

9 (3) In any other case where, but for the candidate's
10 vacancy, the vacating candidate would have been deemed
11 elected, a vacancy shall exist in the office for which
12 the candidate has filed, to be filled in the manner
13 provided by law for vacancies in office arising from
14 the failure of an elected official to serve the
15 official's full term in office because of death,
16 withdrawal, or removal.

17 (d) The parties shall adopt rules to comply with this
18 provision, and those rules shall be submitted to the chief
19 election officer.

20 (e) The chief election officer or county clerk in county
21 elections may waive any or all of the foregoing requirements in



1 special circumstances as provided in the rules adopted by the
2 chief election officer.

3 (f) For the purposes of this section, "party candidate"
4 means the person or persons who would be the candidate or
5 candidates of the party under section 12-41(a)."

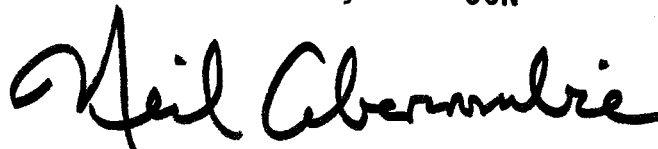
6 SECTION 3. Section 12-3, Hawaii Revised Statutes, is
7 amended by amending subsection (f) to read as follows:

8 "(f) Nomination papers [~~which~~] that are incomplete and do
9 not contain all of the certifications, signatures, and
10 requirements of this section shall be void [~~and will not be~~
11 ~~accepted for filing by the chief election officer or clerk]."~~

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

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

APPROVED this 23 day of JUN, 2011



GOVERNOR OF THE STATE OF HAWAII

