
A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

1 SECTION 1. Section 12-3, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§12-3 Nomination paper; format; limitations. (a) No
4 candidate's name shall be printed upon any official ballot to be
5 used at any primary, special primary, or special election unless
6 a nomination paper was filed in the candidate's behalf and in
7 the name by which the candidate is commonly known. The
8 nomination paper shall be in a form prescribed and provided by
9 the chief election officer containing substantially the
10 following information:

11 (1) A statement by the registered voters signing the form
12 that they are eligible to vote for the candidate;

13 (2) A statement by the registered voters signing the form
14 that they nominate the candidate for the office
15 identified on the nomination paper issued to the
16 candidate;

17 (3) The residence address and county in which the
18 candidate resides;



- 1 (4) The legal name of the candidate, the name by which the
2 candidate is commonly known, if different, the office
3 for which the candidate is running, and the
4 candidate's party affiliation or nonpartisanship; all
5 of which are to be placed on the nomination paper by
6 the chief election officer or the clerk prior to
7 releasing the form to the candidate;
- 8 (5) Space for the name, signature, date of birth, last
9 four digits of the social security number, and
10 residence address of each registered voter signing the
11 form, and other information as determined by the chief
12 election officer; provided that no more than the last
13 four digits of a voter's social security number shall
14 be required;
- 15 (6) A sworn certification by self-subscribing oath by the
16 candidate that the candidate qualifies under the law
17 for the office the candidate is seeking [~~and that the~~
18 ~~candidate has determined that, except for the~~
19 ~~information provided by the registered voters signing~~
20 ~~the nomination papers, all of the information on the~~
21 ~~nomination papers is true and correct,], including
22 that the candidate meets the residency requirements of~~



1 article III, section 6, of the Constitution of the
2 State of Hawaii, together with three forms of proof of
3 residency, such as utility bills and proof of mail
4 delivery to the address identified in paragraph (3),
5 deemed sufficient by the chief election officer
6 pursuant to rules adopted pursuant to chapter 91 to
7 establish compliance with the residency requirements;

8 (7) A sworn certification by self-subscribing oath by a
9 party candidate that the candidate is a member of the
10 party;

11 (8) A sworn certification by self-subscribing oath, where
12 applicable, by the candidate that the candidate has
13 complied with the provisions of article II, section 7,
14 of the Constitution of the State of Hawaii;

15 (9) A sworn certification by self-subscribing oath by the
16 candidate that the candidate is in compliance with
17 section 831-2, dealing with felons, and is eligible to
18 run for office; [and]

19 (10) The name the candidate wishes printed on the ballot
20 and the mailing address of the candidate[-]; and

21 (11) A sworn certification by self-subscribing oath by the
22 candidate that the candidate has determined that,



1 except for the information provided by the registered
2 voters signing the nomination papers, all of the
3 information on the nomination papers is true and
4 correct.

5 (b) Signatures of registered voters shall not be counted,
6 unless they are upon the nomination paper having the format set
7 forth above, written or printed thereon, and if there are
8 separate sheets to be attached to the nomination paper, the
9 sheets shall have the name of the candidate, the candidate's
10 party affiliation or nonpartisanship, and the office and
11 district for which the candidate is running placed thereon by
12 the chief election officer or the clerk. The nomination paper
13 and separate sheets shall be provided by the chief election
14 officer or the clerk.

15 (c) Nomination papers shall not be filed in behalf of any
16 person for more than one party or for more than one office; nor
17 shall any person file nomination papers both as a party
18 candidate and as a nonpartisan candidate.

19 (d) The office and district for which the candidate is
20 running, the candidate's name, and the candidate's party
21 affiliation or nonpartisanship may not be changed from that
22 indicated on the nomination paper and separate sheets. If the



1 candidate wishes to run for an office or district different from
2 that for which the nomination paper states or under a different
3 party affiliation or nonpartisanship, the candidate may request
4 the appropriate nomination paper from the chief election officer
5 or clerk and have it signed by the required number of registered
6 voters.

7 (e) Nomination papers that contain alterations or changes
8 made by anyone other than the chief election officer or the
9 clerk to the candidate's information, the candidate's party
10 affiliation or nonpartisanship, the office to which the
11 candidate seeks nomination, or the oath of loyalty or
12 affirmation, after the nomination paper was issued by the chief
13 election officer or clerk, shall be void and will not be
14 accepted for filing by the chief election officer or clerk.

15 (f) Nomination papers which are incomplete and do not
16 contain all of the certifications, signatures, and requirements
17 of this section shall be void and will not be accepted for
18 filing by the chief election officer or clerk.

19 (g) Upon receipt of the nomination papers, the chief
20 election officer shall make an initial determination as to
21 whether the candidate has met any durational residency
22 requirements. A person aggrieved by the determination and who



1 is and continues to be in compliance with any applicable
 2 durational residency requirements may petition the circuit court
 3 for an expedited review of the determination after service of a
 4 certified copy of the determination. The review by the court
 5 shall be confined to the administrative record. The court
 6 shall, upon request by any party, hear oral arguments and
 7 receive written briefs. Discovery shall not be permitted. The
 8 court shall affirm the determination or, if it finds that the
 9 determination is arbitrary and capricious, it shall reverse or
 10 modify the determination."

11 SECTION 2. Statutory material to be repealed is bracketed
 12 and stricken. New statutory material is underscored.

13 SECTION 3. This Act shall take effect upon its approval;
 14 provided that section 1 shall take effect upon the enactment of
 15 House Bill No. which authorizes the legislature to require a
 16 candidate to state elected office to prove compliance with
 17 durational residency requirements.

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H.B. NO. 935

Report Title:

Elected Office; Proof of Residency

Description:

Requires any candidate for an elected state office to provide proof of residency. Requires the chief election officer to make an initial determination as to whether applicable durational residency requirements have been met, subject to expedited court review.

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

