



GOV. MSG. NO. **1246**

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

June 20, 2011

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

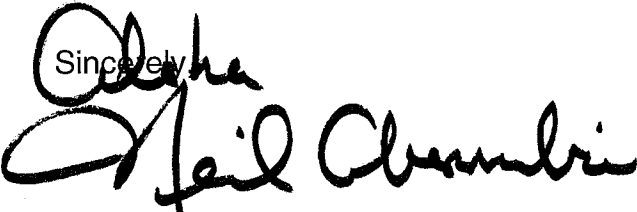
The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

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

This is to inform you that on June 20, 2011, the following bill was signed into law:

HB716 HD1 SD1 CD1

RELATING TO ELECTIONS
Act 143 (11)

Sincerely,


NEIL ABERCROMBIE
Governor, State of Hawaii

on JUN 20 2011

HOUSE OF REPRESENTATIVES
TWENTY-SIXTH LEGISLATURE, 2011
STATE OF HAWAII

H.B. NO. 716
H.D. 1
S.D. 1
C.D. 1

A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

1 SECTION 1. The purpose of this Act is to revise various
 2 election deadlines in conformity with Act 126, Session Laws of
 3 Hawaii 2010, which changed the date of the State's primary
 4 election to comply with the National Defense Authorization Act
 5 for Fiscal Year 2010, P.L. 111-84, mandating the mailing of
 6 absentee ballots to uniformed and overseas voters no later than
 7 forty-five days prior to elections for federal offices.

8 SECTION 2. Section 11-113, Hawaii Revised Statutes, is
 9 amended by amending subsection (c) to read as follows:

10 "(c) All candidates for president and vice president of
 11 the United States shall be qualified for inclusion on the
 12 general election ballot under either of the following
 13 procedures:

14 (1) In the case of candidates of political parties [~~which~~]
 15 that have been qualified to place candidates on the
 16 primary and general election ballots, the appropriate
 17 official of those parties shall file a sworn
 18 application with the chief election officer not later



1 than 4:30 p.m. on the sixtieth day prior to the
2 general election, which shall include:

3 (A) The name and address of each of the two
4 candidates;

5 (B) A statement that each candidate is legally
6 qualified to serve under the provisions of the
7 United States Constitution; and

8 (C) A statement that the candidates are the duly
9 chosen candidates of both the state and the
10 national party, giving the time, place, and
11 manner of the selection[-];

12 and

13 (2) In the case of candidates of parties or groups not
14 qualified to place candidates on the primary or
15 general election ballots, the person desiring to place
16 the names on the general election ballot shall file
17 with the chief election officer not later than 4:30
18 p.m. on the [~~sixtieth~~] ninetieth day prior to the
19 general election:

20 (A) A sworn application [~~which~~] that shall include
21 the information required under paragraph (1) (A)
22 [~~and~~], (B), and (C), where applicable; and



1 (B) A petition [~~which~~] that shall be upon the form
2 prescribed and provided by the chief election
3 officer containing the signatures of currently
4 registered voters which constitute not less than
5 one per cent of the votes cast in the State at
6 the last presidential election. The petition
7 shall contain the names of the candidates, a
8 statement that the persons signing intend to
9 support those candidates, the address of each
10 signatory, the date of the signer's signature,
11 and other information as determined by the chief
12 election officer.

13 Prior to being issued the petition form, the person
14 desiring to place the names on the general election
15 ballot shall submit a notarized statement from each
16 prospective candidate of that [~~person's~~] prospective
17 candidate's intent to be a candidate for president or
18 vice president of the United States on the general
19 election ballot [~~in~~] of the State of Hawaii. [~~Such~~]
20 The statements by a prospective candidate for vice
21 president may be withdrawn by [~~a~~] that prospective
22 candidate [~~for vice president~~] and an alternative



1 candidate for vice president may be substituted
2 [~~anytime~~] any time prior to the notification of
3 qualification or disqualification provided in
4 subsection (d). Any [~~such~~] substitutions shall be
5 accompanied by a notice of substitution satisfying
6 subparagraph (A), a statement of intent as required by
7 this paragraph, and a letter by the candidate for
8 president endorsing the substitute candidate for vice
9 president. Upon receipt of a notice of substitution
10 and all other required documents, the substitute shall
11 replace the original candidate for vice president on
12 the general election ballot. The petitions issued in
13 the names of the original candidates will remain valid
14 for the purposes of this section."

15 SECTION 3. Section 11-117, Hawaii Revised Statutes, is
16 amended by amending subsection (a) to read as follows:

17 "(a) Any candidate may withdraw in writing not later than
18 4:30 p.m. on the day immediately following the close of filing
19 for any reason and may withdraw after the close of filing up to
20 4:30 p.m. on the [~~twentieth~~] fiftieth day prior to an election
21 for reasons of ill health. When a candidate withdraws for ill
22 health, the candidate shall give notice in writing to the chief



1 election officer if the candidate was seeking a congressional or
2 state office, or the candidate shall give notice in writing to
3 the county clerk if the candidate was seeking a county office.
4 The notice shall be accompanied by a statement from a licensed
5 physician or physician assistant indicating that such ill health
6 may endanger the candidate's life."

7 SECTION 4. Section 11-119, Hawaii Revised Statutes, is
8 amended by amending subsection (b) to read as follows:

9 "(b) Whenever the chief election officer is responsible
10 for the printing of ballots, unless provided otherwise, the
11 exact wording to appear thereon, including[, ~~but not limited~~
12 ~~to,~~] questions and issues shall be submitted to the chief
13 election officer not later than 4:30 p.m. on the [~~sixtieth~~
14 seventy-fifth calendar day prior to the applicable election."

15 SECTION 5. Section 12-8, Hawaii Revised Statutes, is
16 amended as follows:

17 1. By amending subsection (a) to read:

18 "(a) All nomination papers filed in conformity with
19 section 12-3 shall be deemed valid unless objection is made
20 thereto by a registered voter, an officer of a political party
21 whose name is on file with the chief election officer, the chief
22 election officer, or the county clerk in the case of a county



1 office. All objections shall be filed in writing not later than
2 4:30 p.m. on the [~~thirtieth~~] sixtieth day or the next earliest
3 working day prior to the primary or special election."

4 2. By amending subsections (e) and (f) to read:

5 "(e) If the chief election officer or clerk in the case of
6 county offices determines that the objection [~~may warrant~~]
7 warrants the disqualification of the candidate, the chief
8 election officer or clerk shall file a complaint in the circuit
9 court for a determination of the objection; provided that [~~such~~]
10 the complaint shall be filed with the clerk of the circuit court
11 not later than 4:30 p.m. on the seventh working day after the
12 objection was filed.

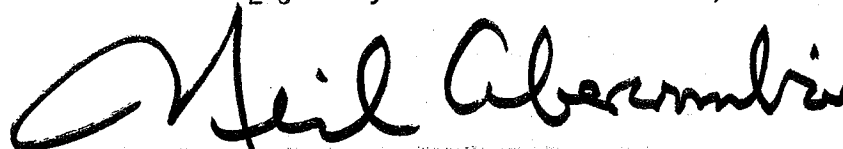
13 (f) If a political party objects to the nomination paper
14 filed by a candidate because the candidate is not a member of
15 the party pursuant to the party's rules filed in conformance
16 with section 11-63, an officer of the party whose name appears
17 on file with the chief election officer shall file a complaint
18 in the circuit court for a prompt determination of the
19 objection; provided that the complaint shall be filed with the
20 clerk of the circuit court not later than 4:30 p.m. on the
21 [~~thirtieth~~] sixtieth working day or the next earliest working
22 day prior to that election day."



1 SECTION 6. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 7. This Act shall take effect on July 1, 2011.

APPROVED this 20 day of JUN , 2011



GOVERNOR OF THE STATE OF HAWAII

