

Honolulu, Hawaii

APR 08 2011

RE: H.B. No. 1368
H.D. 2
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred H.B. No. 1368, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO ELECTIONS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Provide that the withdrawal of a candidate for elective office prior to the close of filing shall not constitute a vacancy that may be filled by a party; and
- (2) Define a "party candidate" as it applies to the law governing the filling of vacancies caused by the death, withdrawal, or disqualification of a party candidate.

Your Committee finds that the current statutory provisions governing a political party's ability to provide a substitute candidate when the original candidate is unable to run due to the candidate's death, withdrawal, or disqualification is intended to allow a political party to replace a candidate who cannot run due to an unexpected event, rather than allow a race to go forward uncontested. However, the current provisions can also be subject to abuse by a political party because they are allowed to essentially receive an extension of time for the filing deadline when a candidate submits nomination papers then withdraws them, thereby allowing the candidate's political party to fill the



intentionally created vacancy well past the filing deadline. Your Committee believes that this loophole should be closed.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1368, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1368, H.D. 2, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,



CLAYTON HEE, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* HB1368, HD2	Committee Referral: JDL	Date: 3/28/11		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les	✓			
SLOM, Sam				✓
TOTAL	4	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes