

JAN 26 2011

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 to be consistent with Act 216, Session Laws
3 of 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. 11-84, 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 have been qualified to place candidates on the primary
16 and general election ballots, the appropriate official
17 of those parties shall file a sworn application with
18 the chief election officer not later than 4:30 p.m. on



1 the sixtieth day prior to the general election, which
2 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;

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

19 (A) A sworn application which shall include the
20 information required under paragraph (1)(A) and
21 (B), and (C) where applicable;



1 (B) A petition which 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 and
11 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 candidate of that person's intent to be a candidate
17 for president or vice president of the United States
18 on the general election ballot in the State of Hawaii.
19 Such statements may be withdrawn by a prospective
20 candidate for vice president and an alternative
21 candidate for vice president be substituted anytime
22 prior to the notification of qualification or



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

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

15 "(a) Any candidate may withdraw in writing not later than
16 4:30 p.m. on the day immediately following the close of filing
17 for any reason and may withdraw after the close of filing up to
18 4:30 p.m. on the [~~twentieth~~] fiftieth day prior to an election
19 for reasons of ill health. When a candidate withdraws for ill
20 health, the candidate shall give notice in writing to the chief
21 election officer if the candidate was seeking a congressional or
22 state office, or the candidate shall give notice in writing to



1 the county clerk if the candidate was seeking a county office.
2 The notice shall be accompanied by a statement from a licensed
3 physician or physician assistant indicating that such ill health
4 may endanger the candidate's life."

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

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

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

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

16 "(a) All nomination papers filed in conformity with
17 section 12-3 shall be deemed valid unless objection is made
18 thereto by a registered voter, an officer of a political party
19 whose name is on file with the chief election officer, the chief
20 election officer, or the county clerk in the case of a county
21 office. All objections shall be filed in writing not later than



1 4:30 p.m. on the [~~thirtieth~~] sixtieth day or the next earliest
2 working day prior to the primary or special election."

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

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

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

4

INTRODUCED BY:

 Z.S.T.H.

By Request



Report Title:
Election Deadlines

Description:
Establishes new election deadlines to comply with state primary election date required by federal law.

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

