

JAN 26 2011

A BILL FOR AN ACT

RELATING TO DISQUALIFICATION OF CANDIDATES FOR ELECTION TO
PUBLIC OFFICE PURSUANT TO OBJECTION.

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

1 SECTION 1. Section 12-8, Hawaii Revised Statutes, is
2 amended to read as follows:
3 "**§12-8 Nomination papers; challenge; evidentiary hearings**
4 **and decisions.** (a) All nomination papers filed in conformity
5 with section 12-3 shall be deemed valid unless objection is made
6 thereto by a registered voter, [~~an officer~~] the chairperson of a
7 political party whose name is on file with the chief election
8 officer, the chief election officer, or the county clerk in the
9 case of a county office. Within twenty-four hours after the
10 close of filing pursuant to section 12-6, the chief election
11 officer, or the county clerk in the case of a county office,
12 shall publish on their respective websites a list of all
13 candidates who have filed nomination papers. All objections
14 shall be filed in writing not later than 4:30 p.m. on the
15 thirtieth day or the next earliest working day prior to the
16 primary or special election.



1 (b) If an objection is made by a registered voter, the
2 candidate objected thereto shall be notified of the objection by
3 the chief election officer or the clerk in the case of county
4 offices by registered or certified mail.

5 (c) If an objection is [~~filed~~] made by [~~an officer~~] the
6 chairperson of [a] the political party [~~with the circuit court,~~]
7 under whose governing documents the candidate claims to be an
8 eligible candidate for public office, the candidate objected
9 thereto shall be notified of the objection by [~~an officer~~] the
10 chairperson of [~~the~~] that political party by registered or
11 certified mail[-], with a copy to be mailed to the chief
12 election officer or the clerk in the case of a county office.
13 If the objection is mailed to the candidate within seven
14 business days after the close of filing, the candidate shall be
15 deemed ineligible to run as a candidate in the primary election
16 of that party, unless within fourteen days after the mailing of
17 the objection the party withdraws the objection. The withdrawal
18 of the election, if made, shall be by certified or registered
19 mail to the candidate with a copy mailed to the chief election
20 officer or the clerk in the case of a county office. An
21 objection shall not be subject to judicial review or review by



1 an election officer. A candidate may, but need not, run as an
2 independent candidate if the objection is not withdrawn.

3 (d) Except for objections by [~~an officer~~] the chairperson
4 of a political party [filed directly with the circuit court,]
5 pursuant to subsection (c), the chief election officer or the
6 clerk in the case of county offices shall have the necessary
7 powers and authority to reach a preliminary decision on the
8 merits of the objection; provided that nothing in this
9 subsection shall be construed to extend to the candidate a right
10 to an administrative contested case hearing as defined in
11 section 91-1(5). The chief election officer or the clerk in the
12 case of county offices shall render a preliminary decision not
13 later than five working days after the objection is filed.

14 (e) If the chief election officer or clerk in the case of
15 county offices determines that the objection may warrant the
16 disqualification of the candidate, the chief election officer or
17 clerk, as appropriate, shall file a complaint in the circuit
18 court for a determination of the objection; provided that such
19 complaint shall be filed with the clerk of the circuit court not
20 later than 4:30 p.m. on the seventh working day after the
21 objection was filed.



1 ~~[(f) If a political party objects to the nomination paper~~
2 ~~filed by a candidate because the candidate is not a member of~~
3 ~~the party pursuant to the party's rules filed in conformance~~
4 ~~with section 11-63, an officer of the party whose name appears~~
5 ~~on file with the chief election officer shall file a complaint~~
6 ~~in the circuit court for a prompt determination of the~~
7 ~~objection; provided that the complaint shall be filed with the~~
8 ~~clerk of the circuit court not later than 4:30 p.m. on the~~
9 ~~thirtieth working day or the next earliest working day prior to~~
10 ~~that election day.~~

11 ~~(g)]~~ (f) If ~~[an officer of a political party whose name~~
12 ~~appears on file with the chief election officer,]~~ the chief
13 election officer~~[,]~~ or clerk in the case of county offices files
14 a complaint in the circuit court, the circuit court clerk shall
15 issue to the defendants named in the complaint a summons to
16 appear before the court not later than 4:30 p.m. on the fifth
17 day after service thereof.

18 ~~[(h)]~~ (g) The circuit court shall hear the complaint in a
19 summary manner and at the hearing the court shall cause the
20 evidence to be reduced to writing and shall not later than 4:30
21 p.m. on the fourth day after the return give judgment fully
22 stating all findings of fact and of law. The judgment shall



1 decide the objection presented in the complaint, and a certified
2 copy of the judgment shall forthwith be served on the chief
3 election officer or the clerk, as the case may be.

4 [~~(i)~~] (h) If the judgment disqualifies the candidate, the
5 chief election officer or the clerk shall follow the procedures
6 set forth in sections 11-117 and 11-118 regarding the
7 disqualifications of candidates."

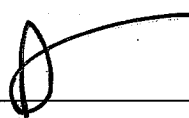
8 SECTION 2. The chief election officer shall take all
9 actions necessary and proper to ensure that the provisions of
10 this Act shall be implemented in the 2012 election cycle.

11 SECTION 3. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 4. This Act shall take effect upon its approval.

14

INTRODUCED BY: _____



Report Title:

Elections; Nomination Papers; Challenge

Description:

Clarifies that the chairperson of a political party, and not an officer of the party, may make an objection to the validity of nomination papers; requires publication on state or county websites of a list of all candidates within twenty-four hours of the close of the filing deadline; establishes requirements for notice to the candidate of objections and any withdrawal of objections; deletes requirement for a political party to file a complaint in circuit court for prompt determination of the objection.

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

