

JAN 2 1 2011

A BILL FOR AN ACT

RELATING TO THE MILITARY.

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

1 SECTION 1. The legislature recognizes that the terrorist
2 attacks of September 11, 2001, continue to have repercussions
3 today. Thousands of military service members are still being
4 deployed to volatile areas of the world, many of whom have
5 already completed one tour of duty. In the ten years since the
6 September 11 terrorist attacks, millions of American troops have
7 been ordered overseas and thousands of soldiers from the
8 Schofield Barracks-based 25th infantry division have been
9 deployed to Iraq and Afghanistan.

10 In addition, thousands of Hawaii national guard members and
11 Army reservists based in Hawaii have been activated, the effects
12 of which are substantial. Although national guardsmen and
13 reservists recognize their duty and serve their nation
14 willingly, the disruption to their personal and professional
15 lives cannot be denied. Individuals from all walks of life--
16 from college students and engineers to physicians and public
17 servants--are plucked from their daily routines and sent
18 overseas into hostile conditions.



1 As a beneficiary of their courageous and dedicated service,
2 the State bears a special responsibility to its citizen-soldiers
3 in the reserves and national guard. In particular, active-duty
4 reservists and national guardsmen who wish to run for elected
5 office should be allowed to file nomination papers and take
6 their oaths by mail.

7 The purpose of this Act is to alleviate the burden of
8 requiring these citizen-soldiers who choose to be candidates for
9 elected office to file nomination papers and take their oaths in
10 person.

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

13 "**§12-3 Nomination paper; format; limitations.** (a) No
14 candidate's name shall be printed upon any official ballot to be
15 used at any primary, special primary, or special election unless
16 a nomination paper was filed in the candidate's behalf and in
17 the name by which the candidate is commonly known. The
18 nomination paper shall be in a form prescribed and provided by
19 the chief election officer containing substantially the
20 following information:

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



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



1 for the office the candidate is seeking and that the
2 candidate has determined that, except for the
3 information provided by the registered voters signing
4 the nomination papers, all of the information on the
5 nomination papers is true and correct;

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

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

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

17 (10) The name the candidate wishes printed on the ballot
18 and the mailing address of the candidate.

19 (b) Signatures of registered voters shall not be counted,
20 unless they are upon the nomination paper having the format set
21 forth above, written or printed thereon, and if there are
22 separate sheets to be attached to the nomination paper, the



1 sheets shall have the name of the candidate, the candidate's
2 party affiliation or nonpartisanship, and the office and
3 district for which the candidate is running placed thereon by
4 the chief election officer or the clerk. The nomination paper
5 and separate sheets shall be provided by the chief election
6 officer or the clerk.

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

11 (d) The office and district for which the candidate is
12 running, the candidate's name, and the candidate's party
13 affiliation or nonpartisanship may not be changed from that
14 indicated on the nomination paper and separate sheets. If the
15 candidate wishes to run for an office or district different from
16 that for which the nomination paper states or under a different
17 party affiliation or nonpartisanship, the candidate may request
18 the appropriate nomination paper from the chief election officer
19 or clerk and have it signed by the required number of registered
20 voters.

21 (e) Nomination papers that contain alterations or changes
22 made by anyone other than the chief election officer or the



1 clerk to the candidate's information, the candidate's party
2 affiliation or nonpartisanship, the office to which the
3 candidate seeks nomination, or the oath of loyalty or
4 affirmation, after the nomination paper was issued by the chief
5 election officer or clerk, shall be void and will not be
6 accepted for filing by the chief election officer or clerk.

7 (f) Nomination papers [~~which~~] that are incomplete and do
8 not contain all of the certifications, signatures, and
9 requirements of this section shall be void and will not be
10 accepted for filing by the chief election officer or clerk.

11 (g) Members of the reserves or national guard called to
12 active service shall be permitted to fulfill the requirements of
13 this section by registered or certified mail, return receipt
14 requested."

15 SECTION 3. Section 12-6, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**§12-6 Nomination papers: time for filing; fees.** (a)
18 For members of Congress, state offices, county offices, and the
19 board of trustees for the office of Hawaiian affairs, nomination
20 papers shall be filed with the chief election officer, or clerk
21 in case of county offices, not later than 4:30 p.m. on the first
22 Tuesday in June. However, in the event of a special primary or



1 special election, the filing deadline shall be determined in the
2 proclamation that is issued calling for the election as provided
3 for by state law or county charter. A state candidate from the
4 counties of Hawaii, Maui, and Kauai may file the declaration of
5 candidacy with the respective clerk. The clerk shall transmit
6 to the office of the chief election officer the state
7 candidate's declaration of candidacy without delay.

8 (b) If after the close of filing there are no candidates
9 who have filed nomination papers for an elective office for the
10 primary, special primary, or any special election held in
11 conjunction with the primary election, the chief election
12 officer or clerk, in the case of a county election, shall accept
13 nomination papers for that office until 4:30 p.m. on the tenth
14 day after the original close of filing.

15 [+(c)+] There shall be deposited with each nomination
16 paper a filing fee on account of the expenses attending the
17 holding of the primary, special primary, or special election
18 [which] that shall be paid into the treasury of the State, or
19 county, as the case may be, as a realization:

20 (1) For United States senators and United States
21 representatives--\$75;

22 (2) For governor and lieutenant governor--\$750;



1 (3) For mayor--\$500; and

2 (4) For all other offices--\$250.

3 [†](d)[†] Upon the receipt by the chief election officer
4 or the clerk of the nomination paper of a candidate, the day,
5 hour, and minute when it was received shall be endorsed thereon.

6 (e) Upon the showing of a certified copy of an affidavit
7 [~~which~~] that has been filed with the campaign spending
8 commission pursuant to section 11-423 by a candidate who has
9 voluntarily agreed to abide by spending limits, the chief
10 election officer or clerk shall discount the filing fee of the
11 candidate by the following amounts:

12 (1) For the office of governor and lieutenant governor--
13 \$675;

14 (2) For the office of mayor--\$450; and

15 (3) For all other offices--\$225.

16 [†](f)[†] The chief election officer or clerk shall waive
17 the filing fee in the case of a person who declares, by
18 affidavit, that the person is indigent and who has filed a
19 petition signed by currently registered voters who constitute at
20 least one-half of one per cent of the total voters registered at
21 the last preceding general election in the respective district
22 or districts [~~which~~] that correspond to the specific office for



1 which the indigent person is a candidate. This petition shall
2 be submitted on the form prescribed and provided by the chief
3 election officer together with the nomination paper required by
4 this chapter.

5 (g) Members of the reserves or national guard called to
6 active service shall be permitted to fulfill the requirements of
7 this section by registered or certified mail, return receipt
8 requested."

9 SECTION 4. Section 12-7, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§12-7 Filing of oath.** (a) The name of no candidate for
12 any office shall be printed upon any official ballot, in any
13 election, unless the candidate shall have taken and subscribed
14 to the following written oath or affirmation, and filed the oath
15 with the candidate's nomination papers.

16 The written oath or affirmation shall be in the following
17 form:

18 "I,....., do solemnly swear and declare, on oath
19 that if elected to office I will support and defend the
20 Constitution and laws of the United States of America, and the
21 Constitution and laws of the State of Hawaii, and will bear true
22 faith and allegiance to the same; that if elected I will



1 faithfully discharge my duties as.....(name of
2 office).....to the best of my ability; that I take
3 this obligation freely, without any mental reservation or
4 purpose of evasion; So help me God."

5 Upon being satisfied as to the sincerity of any person
6 claiming that the person is unwilling to take the above
7 prescribed oath only because the person is unwilling to be
8 sworn, the person may be permitted, in lieu of the oath, to make
9 the person's solemn affirmation which shall be in the same form
10 as the oath except that the words "sincerely and truly affirm"
11 shall be substituted for the word "swear" and the phrases "on
12 oath" and "So help me God" shall be omitted. [~~Such~~] The
13 affirmation shall be of the same force and effect as the
14 prescribed oath.

15 The oath or affirmation shall be subscribed before the
16 officer administering the same, who shall endorse thereon the
17 fact that the oath was subscribed and sworn to or the
18 affirmation was made together with the date thereof and affix
19 the seal of the officer's office or of the court of which the
20 officer is a judge or clerk.

21 It shall be the duty of every notary public or other public
22 officer by law authorized to administer oaths to administer the



1 oath or affirmation prescribed by this section and to furnish
2 the required endorsement and authentication.

3 (b) Members of the reserves or national guard called to
4 active service shall be permitted to fulfill the requirements of
5 this section by registered or certified mail, return receipt
6 requested."

7 SECTION 5. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 6. This Act shall take effect upon its approval;
10 provided that section 3 shall take effect on July 1, 2011.

11

INTRODUCED BY:

Will Eyo
[Signature]
[Signature]



Report Title:

Reservists and National Guardsmen; Nomination Papers and Oaths

Description:

Allows reservists and national guard members in active service who desire to run for office to file nomination papers and take their oaths by mail.

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

