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# A BILL FOR AN ACT

RELATING TO ELECTED PUBLIC OFFICERS.

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

1           SECTION 1. Chapter 11, Hawaii Revised Statutes, is amended  
2 by adding a new part to be appropriately designated and to read  
3 as follows:

4                           **"PART . RECALL OF ELECTED PUBLIC OFFICERS**

5           **§11-A Recall measure; petition.** (a) A recall measure  
6 shall be submitted to the voters for a recall vote with the  
7 signatures of registered voters of not less than fifteen per  
8 cent of all votes cast for all candidates for the office subject  
9 to recall at the general election preceding the filing of the  
10 recall petition. In districts in which voters cast their votes  
11 for multiple representation in a particular office in that  
12 district, the total votes cast for all candidates for that  
13 office in the last general election shall be divided by the  
14 number of elected public officers who hold that particular  
15 office to obtain the number of signatures needed.

16           (b) Only those registered voters who are entitled to cast  
17 votes for the elected public officer named on the recall



1 petition shall be qualified to sign the recall petition and to  
2 vote in the recall election.

3 (c) The recall petition shall state the reason for the  
4 recall vote. Unresponsiveness to the needs of the officer's  
5 constituents shall be adequate reason for the recall of any  
6 elected public officer.

7 (d) Prior to the circulation of any recall petition for  
8 signatures, a copy shall be submitted to the attorney general  
9 who shall prepare a title and summary of the chief purpose and  
10 aim of the proposed measure within seven business days.

11 **§11-B Ballot; approval of recall.** (a) A ballot for the  
12 recall of an elected public officer shall include, subject to a  
13 two-hundred word limit for each of the following:

14 (1) The reasons for the demand of the recall of the  
15 officer as set forth in the recall petition; and

16 (2) The officer's response to the reason for the recall as  
17 set forth in the recall petition.

18 In addition to the above, any measure under this section  
19 shall be presented to the voters in such a form that a "yes"  
20 vote, on a yes or no ballot, shall indicate an affirmative vote  
21 for the measure as the measure is written.



1 (b) The recall measure shall be effective, if approved,  
2 one day after the election results are certified by the chief  
3 election officer, unless otherwise provided for by law.

4 **§11-C Verification and certification of recall petition;**

5 **role of chief election officer.** (a) All recall petitions shall

6 be submitted to the chief election officer for certification.

7 Each sheet containing petitioners' signatures shall be attached

8 to the title, summary and text of the recall petition. There

9 shall be no limit on the number of copies of a recall petition

10 that may be circulated. Any registered voter of the State shall

11 be competent to solicit signatures. No person circulating a

12 recall petition shall be eligible to receive any compensation

13 for services as a petition circulator. All individuals who sign

14 the recall petition shall add their address as shown on their

15 voter registration form, the last four digits of their social

16 security number and the date upon which they sign the recall

17 petition.

18 (b) To obtain the required number of signatures of

19 registered voters, the circulators of the recall petition shall

20 have:

21 (1) Sixty days, when fewer than five thousand signatures

22 are required;



1           (2) Ninety days, when at least five thousand but no more  
2           than ten thousand signatures are required;

3           (3) One hundred twenty days, when at least ten thousand  
4           but no more than fifty thousand signatures are  
5           required;

6           (4) One hundred sixty days, when at least fifty thousand  
7           but no more than one hundred thousand signatures are  
8           required; and

9           (5) One hundred eighty days, when at least one hundred  
10          thousand signatures are required.

11          (c) Every sheet of the recall petition containing  
12 signatures shall be verified by an affidavit of the petition  
13 circulator that each name on the sheet was signed in the  
14 presence of the affiant and that in the belief of the affiant,  
15 each signer is a registered voter of the State and, if  
16 applicable, of the affected political subdivision or district.  
17 The chief election officer shall verify and certify that the  
18 signers are registered voters of the State and of the affected  
19 political subdivision or district.

20          (d) The chief election officer shall release any recall  
21 petition for inspection by the public or any governmental agency  
22 when a question has been raised regarding the sufficiency of a



1 recall petition. If any petition under this section has been  
2 determined to be insufficient, the petition shall be returned to  
3 the circulators within sixty days of its filing with the  
4 notations of specific insufficiencies. Petition circulators  
5 shall have additional time in which to correct the specific  
6 insufficiencies of a recall petition, in accordance with  
7 subsection (a).

8 **§11-D Limitations.** (a) No recall petition shall be filed  
9 against any elected public officer unless the officer has served  
10 at least six months of the officer's term of office. No recall  
11 petition shall be filed within one year of a primary election in  
12 which an elected public officer is required to seek nomination  
13 for reelection. If a recall petition is filed against an  
14 elected public officer whose term of office expires at a general  
15 election after a forthcoming primary election and the petition  
16 is filed no more than one hundred eighty days and not fewer than  
17 ninety days prior to the primary election, the chief election  
18 officer shall cause the recall measure to be submitted to the  
19 voters at that general election. All other recall petitions  
20 shall cause a recall special election to be proclaimed by the  
21 chief election officer between fifteen and thirty days after the  
22 recall petition has been determined to be sufficient.



1 (b) If a recall vote fails to recall the affected officer,  
2 the affected officer shall not be subject to another recall vote  
3 for the remainder of the term of office to which the officer was  
4 elected to serve.

5 **§11-E Costs.** The petitioners shall bear all costs of the  
6 preparation and circulation of the recall petition, except for  
7 the services performed by the attorney general under this part.  
8 After the recall petition has been filed with the chief election  
9 officer, all further costs shall be part of the usual  
10 expenditures of the State."

11 SECTION 2. This Act does not affect rights and duties that  
12 matured, penalties that were incurred, and proceedings that were  
13 begun before its effective date.

14 SECTION 3. This Act shall take effect upon the  
15 ratification of a constitutional amendment that provides for the  
16 recall of elected public officials.

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INTRODUCED BY: 

JAN 24 2013



# H.B. NO. 1447

**Report Title:**

Recall Petition; Statutory Provisions

**Description:**

Provides for the recall of elected public officials. Effective upon ratification of constitutional amendment.

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

