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# A BILL FOR AN ACT

RELATING TO ELECTIONS.

**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 shall  
12 publish on their respective websites a list of all candidates  
13 who have filed nomination papers. All objections shall be filed  
14 in writing not later than 4:30 p.m. on the sixtieth day or the  
15 next earliest working day prior to the primary or special  
16 election.

17           (b) If an objection is made by a registered voter, the  
18 candidate objected thereto shall be notified of the objection by



1 the chief election officer or the clerk in the case of county  
2 offices by registered or certified mail.

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21 candidate if the objection is not withdrawn.



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

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

20 ~~[(f) If a political party objects to the nomination paper~~  
21 ~~filed by a candidate because the candidate is not a member of~~  
22 ~~the party pursuant to the party's rules filed in conformance~~



1 ~~with section 11-63, an officer of the party whose name appears~~  
2 ~~on file with the chief election officer shall file a complaint~~  
3 ~~in the circuit court for a prompt determination of the~~  
4 ~~objection, provided that the complaint shall be filed with the~~  
5 ~~clerk of the circuit court not later than 4:30 p.m. on the~~  
6 ~~sixtieth day or the next earliest working day prior to that~~  
7 ~~election day.~~

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

15       ~~[(h)]~~ (g) The circuit court shall hear the complaint in a  
16 summary manner and at the hearing the court shall cause the  
17 evidence to be reduced to writing and shall not later than 4:30  
18 p.m. on the fourth day after the return give judgment fully  
19 stating all findings of fact and of law. The judgment shall  
20 decide the objection presented in the complaint, and a certified  
21 copy of the judgment shall forthwith be served on the chief  
22 election officer or the clerk, as the case may be.



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

5           SECTION 2. The chief election officer shall take all  
6 actions necessary and proper to ensure that the provisions of  
7 this Act shall be implemented in the 2014 election cycle.

8           SECTION 3. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

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

11



**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. (Proposed SD1)

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

