
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 political party [~~with the circuit court, the~~
5 ~~candidate objected thereto shall be notified of the objection by~~
6 ~~an officer of the political party by registered or certified~~
7 ~~mail.~~] under whose governing documents the candidate claims to
8 be an eligible candidate for public office, the chairperson of
9 that political party shall be required to immediately send by
10 electronic transmission the notice of objection or withdrawal of
11 objection directly to the chief election officer or the clerk in
12 the case of a county office. If the objection is made within
13 seven calendar days after the close of filing pursuant to
14 section 12-6, the candidate shall be deemed ineligible to run as
15 a candidate in the primary election of that party unless the
16 party withdraws the objection within seven calendar days after
17 the filing of the objection or the candidate files for judicial
18 review or review by the chief election officer within seven
19 calendar days of the filing of the objection. If a withdrawal
20 of the objection is made, the withdrawal shall be made by
21 certified or registered mail to the candidate with a copy sent
22 by electronic transmission to the chief election officer or the



1 clerk in the case of a county office. The prevailing party in
2 the judicial review of the objection shall be entitled to
3 attorney's fees and costs.

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

15 (e) If the chief election officer or clerk in the case of
16 county offices determines that the objection warrants the
17 disqualification of the candidate, the chief election officer or
18 clerk, as appropriate, shall file a complaint in the circuit
19 court for a determination of the objection; provided that the
20 complaint shall be filed with the clerk of the circuit court not
21 later than 4:30 p.m. on the seventh working day after the
22 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 ~~sixtieth day or the next earliest working day prior to that~~
10 ~~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 2014 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 on July 1, 2050.

14



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; establishes a process for judicial review or review by the chief election officer of objections and allows the prevailing party in a judicial review of an objection to be awarded attorney's fees and costs; deletes requirement for a political party to file a complaint in circuit court for prompt determination of the objection. Effective on 07/01/50. (SD1)

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

