

JAN 17 2014

A BILL FOR AN ACT

RELATING TO RECALL OF ELECTED PUBLIC OFFICERS OF THE STATE.

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 Definitions.** As used in this part, "elected public
6 officer" includes the governor, lieutenant governor, state
7 senator, or state representative, as applicable, who is the
8 subject of a recall under this part.

9 **§11-B Recall petition; resignation of elected public**
10 **officer.** (a) A recall of an elected public officer shall be
11 initiated by a recall petition signed by at least twenty-five
12 per cent of the registered voters who voted in the last election
13 for the office of that elected public officer in the case of a
14 senator or representative, or in the case of the governor or
15 lieutenant governor by at least fifteen per cent of the
16 registered voters who voted in the last election for that
17 office. The petition shall include each registered voter's
18 name, signature, residence address, month and day of the voter's



1 date of birth, and the date of signing. The recall petition may
2 but shall not be required to state the grounds for the recall,
3 and the grounds shall not be subject to challenge.

4 (b) The time to collect signatures on a recall petition
5 from the date of the first signature on the petition is
6 initiated shall be as follows:

7 (1) For each statewide, senatorial, or representative
8 district where fewer than 5,000 signatures are
9 required, petitioners shall have sixty days to collect
10 signatures;

11 (2) For each statewide, senatorial, or representative
12 district where 5,000 to 10,000 signatures are
13 required, petitioners shall have ninety days to
14 collect signatures;

15 (3) For each statewide, senatorial, or representative
16 district where 10,001 to 50,000 signatures are
17 required, petitioners shall have one hundred twenty
18 days to collect signatures;

19 (4) For each statewide, senatorial, or representative
20 district where 50,001 to 100,000 signatures are
21 required, petitioners shall have one hundred sixty
22 days to collect signatures; and



1 (5) For each statewide, senatorial, or representative
2 district where more than 100,000 signatures are
3 required, petitioners shall have one hundred eighty
4 days to collect signatures.

5 (c) Signatures on a recall petition may be on separate
6 sheets, but each sheet shall have appended to it an affidavit
7 that to the best of the affiant's knowledge and belief the
8 persons whose signatures appear on the sheet are duly registered
9 voters of the State, that they signed with full knowledge of the
10 contents of the petition, and that their residences are
11 correctly given.

12 **§11-C Circulation of petition.** (a) A recall petition may
13 be circulated solely by registered voters in the district of the
14 elected public officer sought to be recalled.

15 (b) No entity or agent shall circulate or cause to be
16 circulated a recall petition in lieu of or on behalf of any
17 person authorized to circulate a recall petition pursuant to
18 subsection (a).

19 (c) No person shall receive compensation for circulating
20 or causing to be circulated a recall petition.

21 (d) Violation of this section shall be a misdemeanor.

22 **§11-D Filing and certification of recall petition.**



1 (a) A recall petition shall be tendered for filing with
2 the office of elections. The filing shall designate the name
3 and address of the person to whom a copy of the affidavit of the
4 chief elections officer shall be provided under subsection (b).
5 The chief elections officer shall examine the petition to
6 determine whether it contains a sufficient number of apparently
7 genuine signatures of registered voters. The chief elections
8 officer may question the genuineness of any signature or
9 signatures appearing on the recall petition and if the chief
10 elections officer finds that any such signature or signatures
11 are not genuine, the chief elections officer shall disregard
12 them in determining whether the petition contains a sufficient
13 number of signatures. The chief elections officer shall
14 eliminate any sheet of the petition that is not accompanied by
15 the required affidavit. The invalidity of any sheet of the
16 petition shall not affect the validity of the petition if a
17 sufficient number of signatures remains after eliminating an
18 invalid sheet. The chief elections officer shall complete the
19 examination of the petition within ten working days after the
20 submission of the petition and shall thereupon file the petition
21 if valid or reject it if invalid.



1 (b) If after examination of the petition pursuant to
2 subsection (a) the chief elections officer finds the petition to
3 be insufficient, the chief elections officer shall affirm under
4 oath that the petition is insufficient. The chief elections
5 officer shall set forth in an affidavit the particulars in which
6 the petition is defective and shall attach to the affidavit
7 copies of all pages of the petition containing signatures found
8 to be invalid. The chief elections officer shall file the
9 affidavit with the office of elections and provide a copy of the
10 filed affidavit and attachments to the person designated to
11 receive a copy of the affidavit of the chief elections officer
12 pursuant to subsection (a).

13 (c) As soon as the chief elections officer accepts a
14 recall petition for filing, the chief elections officer shall
15 notify the elected public officer that the petition has been
16 filed. The elected public officer may resign from office within
17 seventy-two hours of receipt of the notice, thereby terminating
18 the recall election proceedings; otherwise, the chief elections
19 officer shall arrange a recall election pursuant to section
20 11-E.

21 (d) The recall petition shall be deemed a public record,
22 and the chief elections officer shall release any recall



1 petition for inspection by the public or any government agency
2 when a question arises regarding the sufficiency of the recall
3 petition.

4 **§11-E Recall election.** If the elected officer does not
5 resign from office within seventy-two hours after notice is
6 given under section 11-D to the elected public officer, the
7 chief elections officer shall arrange a recall election. If a
8 general or special state election is to be held at least thirty-
9 five days after the seventy-two hours have expired, the recall
10 question shall be placed before the voters at the general or
11 special election; provided that a special recall election may be
12 fixed for a date prior to the next general or special election
13 but in no event earlier than thirty-five days after the seventy-
14 two hours have expired. The elected public officer may resign
15 at any time prior to the recall election, and thereupon the
16 election shall not be held.

17 **§11-F Recall ballot question.** (a) The following question
18 shall be presented to each voter in a recall election: "Shall
19 (name of elected public officer) be recalled and removed from
20 the office of (title of office)?"

21 (b) If a simple majority of the registered voters who vote
22 on the question at a recall election vote "Yes," the elected



1 public officer shall be deemed recalled and shall be removed
2 from office. Otherwise, the elected public officer shall remain
3 in office.

4 (c) No elected public officer who has been removed from
5 elected office or who has resigned from elected office pursuant
6 to this part shall be eligible for election or appointment to
7 any office of the State within two years after the removal or
8 resignation.

9 (d) No recall petition shall be filed against an elected
10 officer within the first six months served of the officer's term
11 or within twelve months after an unsuccessful recall election
12 against such officer.

13 **§11-G Recall election manual.** The office of elections
14 shall prepare a public information manual in print and
15 electronic format to serve as a guide to the laws and rules on
16 conducting recall petitions and elections. The print and
17 electronic format shall include a printable and acceptable
18 format for a petition and the affidavits required to be appended
19 to the petition."

20 SECTION 2. This Act does not affect rights and duties that
21 matured, penalties that were incurred, and proceedings that were
22 begun before its effective date.



1 SECTION 3. In codifying this Act, the revisor shall
2 substitute the appropriate section numbers for the letter
3 designations used in this Act.

4 SECTION 4. This Act shall take effect upon the
5 ratification of a constitutional amendment that provides for the
6 recall of elected public officers.

7

INTRODUCED BY:



S.B. NO. 2359

Report Title:

Recall Election; Voting

Description:

Provides procedures for recall vote of elected state public officers.

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

